

Pending in House Finance Committee

125th General Assembly
Regular Session
2003-2004

Sub. H. B. No. 95

Representative Calvert

A BILL

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124th General Assembly; to amend Section 5 of Am.	185
Sub. H.B. 524 of the 124th General Assembly; to	186
amend Sections 10 and 14 of Am. Sub. S.B. 242 of	187
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as subsequently amended; to amend Section 3 of Am.	190

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subsequently amended; to amend Section 153 of Am.	192
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Sub. H.B. 283 of the 123rd General Assembly, as	199
subsequently amended; to repeal Section 3 of Sub.	200
H.B. 403 of the 123rd General Assembly; and to	201
repeal Section 11 of Am. Sub. S.B. 50 of the 121st	202
General Assembly, as subsequently amended; to levy	203
taxes and provide for implementation of those	204
levies, to make operating appropriations for the	205
biennium beginning July 1, 2003, and ending June	206
30, 2005, and to provide authorization and	207
conditions for the operation of state programs; to	208
amend the version of section 921.22 of the Revised	209
Code that is scheduled to take effect July 1,	210
2004, to continue the provisions of this act on	211
and after that effective date; to amend the	212
version of section 2305.234 of the Revised Code	213
that is scheduled to take effect January 1, 2004,	214
to continue the provisions of this act on and	215
after that effective date; to amend the version of	216
section 3332.04 of the Revised Code that is	217
scheduled to take effect July 1, 2003; to amend	218
the version of section 3734.44 of the Revised Code	219
that is scheduled to take effect January 1, 2004,	220
to continue the provisions of this act on and	221
after that effective date; to amend the versions	222
of sections 4503.234, 4511.191, and 4511.75 of the	223

Revised Code that are scheduled to take effect 224
January 1, 2004; and to terminate certain 225
provisions of this act on December 31, 2013, by 226
repealing section 4723.063 of the Revised Code on 227
that date. 228

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

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5101.145, 5101.146, 5101.16, 5101.18, 5101.181, 5101.36, 5101.58,	295
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5103.034, 5103.036, 5103.037, 5103.038, 5103.0312, 5103.0313,	297
5103.0314, 5103.0315, 5103.0316, 5103.154, 5104.01, 5104.011,	298
5104.02, 5104.04, 5104.30, 5104.32, 5107.02, 5107.30, 5107.37,	299
5107.40, 5107.60, 5108.01, 5108.03, 5108.06, 5108.07, 5108.09,	300
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5111.03, 5111.06, 5111.111, 5111.17, 5111.171, 5111.20, 5111.21,	302
5111.22, 5111.25, 5111.251, 5111.252, 5111.28, 5111.29, 5111.30,	303
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5111.94, 5112.03, 5112.08, 5112.17, 5112.31, 5112.99, 5115.01,	305
5115.02, 5115.03, 5115.04, 5115.05, 5115.07, 5115.10, 5115.11,	306
5115.13, 5115.15, 5115.20, 5119.61, 5119.611, 5120.09, 5120.51,	307
5123.01, 5123.051, 5123.19, 5123.60, 5123.801, 5126.01, 5126.042,	308
5126.12, 5139.01, 5139.36, 5139.87, 5153.163, 5153.60, 5153.69,	309
5153.72, 5153.78, 5310.15, 5501.03, 5502.13, 5513.01, 5515.07,	310
5519.01, 5705.19, 5705.41, 5709.62, 5709.63, 5709.632, 5709.64,	311
5719.07, 5727.56, 5733.121, 5733.18, 5733.22, 5735.05, 5735.23,	312
5735.26, 5735.291, 5735.30, 5747.12, 5903.12, 6101.09, 6109.21,	313
6115.09, 6117.02, and 6301.10 be amended; that sections 181.51	314
(109.98), 181.52 (109.981), 181.53 (109.982), 181.54 (109.983),	315
181.55 (109.984), 181.56 (109.985), 3301.33 (3301.40), 3701.145	316
(3701.0210), 4104.46 (4104.48), 4981.01 (5507.01), 4981.03	317
(5507.03), 4981.031 (5507.031), 4981.032 (5507.032), 4981.033	318

(5507.033), 4981.04 (5507.04), 4981.05 (5507.05), 4981.06	319
(5507.06), 4981.07 (5507.07), 4981.08 (5507.08), 4981.09	320
(5507.09), 4981.091 (5507.091), 4981.10 (5507.10), 4981.11	321
(5507.11), 4981.12 (5507.12), 4981.13 (5507.13), 4981.131	322
(5507.131), 4981.14 (5507.14), 4981.15 (5507.15), 4981.16	323
(5507.16), 4981.17 (5507.17), 4981.18 (5507.18), 4981.19	324
(5507.19), 4981.20 (5507.20), 4981.21 (5507.21), 4981.22	325
(5507.22), 4981.23 (5507.23), 4981.25 (5507.25), 4981.26	326
(5507.26), 4981.28 (5507.28), 4981.29 (5507.29), 4981.30	327
(5507.30), 4981.31 (5507.31), 4981.32 (5507.32), 4981.33	328
(5507.33), 4981.34 (5507.34), 4981.35 (5507.35), 4981.36	329
(5507.36), 4981.361 (5507.361), 5108.06 (5108.04), 5108.07	330
(5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252	331
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07	332
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for	333
the purpose of adopting new section numbers as indicated in	334
parentheses; that new sections 125.831, 3301.31, 3301.33, 3317.11,	335
4104.42, 4104.43, 4104.46, 5108.06, 5108.07, 5111.16, 5111.173,	336
and 5115.13 and sections 107.31, 122.90, 123.152, 123.153,	337
125.073, 125.832, 125.833, 125.834, 153.691, 173.08, 317.36,	338
319.63, 927.701, 2113.041, 2117.061, 3301.34, 3301.35, 3301.36,	339
3301.37, 3314.083, 3314.18, 3317.034, 3318.34, 3333.16, 3501.011,	340
3701.029, 3702.63, 3770.073, 4104.47, 4115.21, 4511.093, 4511.094,	341
4511.095, 4511.096, 4511.097, 4707.24, 4723.063, 5101.12,	342
5101.1410, 5101.214, 5103.155, 5108.11, 5108.12, 5111.0113,	343
5111.025, 5111.172, 5111.174, 5111.175, 5111.206, 5111.211,	344
5111.222, 5111.65, 5111.66, 5111.661, 5111.67, 5111.671, 5111.672,	345
5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 5111.68,	346
5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 5111.686,	347
5111.687, 5111.688, 5111.689, 5111.6810, 5111.911, 5111.912,	348
5111.913, 5111.95, 5111.96, 5111.97, 5111.98, 5111.981, 5111.982,	349
5115.12, 5115.14, 5115.22, 5123.196, 5123.197, 5123.198,	350
5123.1910, 5123.38, 5123.851, 5515.08, and 5735.053 of the Revised	351

Code be enacted to read as follows: 352

Sec. 9.01. When any officer, office, court, commission, 353
board, institution, department, agent, or employee of the state, 354
~~or~~ of a county, or of any other political subdivision, who is 355
charged with the duty or authorized or required by law to record, 356
preserve, keep, maintain, or file any record, document, plat, 357
court file, paper, or instrument in writing, or to make or furnish 358
copies of any ~~thereof~~ of them, deems it necessary or advisable, 359
when recording ~~any such document, plat, court file, paper, or~~ 360
~~instrument in writing,~~ or when making a copy or reproduction of 361
any ~~thereof~~ of them or of any such record, for the purpose of 362
recording or copying, preserving, and protecting ~~the same~~ them, 363
reducing space required for storage, or any similar purpose, to do 364
so by means of any photostatic, photographic, miniature 365
photographic, film, microfilm, or microphotographic process, or 366
perforated tape, magnetic tape, other magnetic means, electronic 367
data processing, machine readable means, or graphic or video 368
display, or any combination ~~thereof~~ of those processes, means, or 369
displays, which correctly and accurately copies, records, or 370
reproduces, or provides a medium of copying, recording, or 371
reproducing, the original record, document, plat, court file, 372
paper, or instrument in writing, such use of any ~~such photographic~~ 373
~~or electromagnetic~~ of those processes, means, or displays for any 374
such purpose, is hereby authorized. Any such records, copies, or 375
reproductions may be made in duplicate, and ~~such~~ the duplicates 376
shall be stored in different buildings. The film or paper used for 377
~~this~~ a process shall comply with the minimum standards of quality 378
approved for permanent photographic records by the national bureau 379
of standards. All such records, copies, or reproductions shall 380
carry a certificate of authenticity and completeness, on a form 381
specified by the director of administrative services through the 382
state records ~~administrator~~ program. 383

Any such officer, office, court, commission, board, 384
institution, department, agent, or employee of the state, of a 385
county, or of any other political subdivision may purchase or rent 386
required equipment for any such photographic process and may enter 387
into contracts with private concerns or other governmental 388
agencies for the development of film and the making of 389
reproductions ~~thereof~~ of film as a part of any such photographic 390
process. When so recorded, or copied or reproduced to reduce space 391
required for storage or filing of such records, ~~said such~~ 392
photographs, microphotographs, microfilms, perforated tape, 393
magnetic tape, other magnetic means, electronic data processing, 394
machine readable means, graphic or video display, or ~~any~~ 395
combination ~~thereof~~ of these processes, means, or displays, or 396
films, or prints made therefrom, when properly identified by the 397
officer by whom or under whose supervision ~~the same~~ they were 398
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 399
at law as the original record or of a record made by any other 400
legally authorized means, and may be offered in like manner and 401
shall be received in evidence in any court where ~~such~~ the original 402
record, or record made by other legally authorized means, could 403
have been so introduced and received. Certified or authenticated 404
copies or prints of such photographs, microphotographs, films, 405
microfilms, perforated tape, magnetic tape, other magnetic means, 406
electronic data processing, machine readable means, graphic or 407
video display, or ~~any~~ combination ~~thereof~~ of these processes, 408
means, or displays, shall be admitted in evidence equally with the 409
original ~~photographs, microphotographs, films, or microfilms.~~ 410

Such photographs, microphotographs, microfilms, or films 411
shall be placed and kept in conveniently accessible, fireproof, 412
and insulated files, cabinets, or containers, and provisions shall 413
be made for preserving, safekeeping, using, examining, exhibiting, 414
projecting, and enlarging ~~the same~~ them whenever requested, during 415

office hours. 416

All persons utilizing the methods described in this section 417
for keeping records and information shall keep and make readily 418
available to the public the machines and equipment necessary to 419
reproduce the records and information in a readable form. 420

Sec. 9.83. (A) The state and any political subdivision may 421
procure a policy or policies of insurance insuring its officers 422
and employees against liability for injury, death, or loss to 423
person or property that arises out of the operation of an 424
automobile, truck, motor vehicle with auxiliary equipment, 425
self-propelling equipment or trailer, aircraft, or watercraft by 426
the officers or employees while engaged in the course of their 427
employment or official responsibilities for the state or the 428
political subdivision. The state is authorized to expend funds to 429
pay judgments that are rendered in any court against its officers 430
or employees and that result from such operation, and is 431
authorized to expend funds to compromise claims for liability 432
against its officers or employees that result from such operation. 433
No insurer shall deny coverage under such a policy, and the state 434
shall not refuse to pay judgments or compromise claims, on the 435
ground that an automobile, truck, motor vehicle with auxiliary 436
equipment, self-propelling equipment or trailer, aircraft, or 437
watercraft was not being used in the course of an officer's or 438
employee's employment or official responsibilities for the state 439
or a political subdivision unless the officer or employee who was 440
operating an automobile, truck, motor vehicle with auxiliary 441
equipment, or self-propelling equipment or trailer is convicted of 442
a violation of section 124.71 of the Revised Code as a result of 443
the same events. 444

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 445
the exercise of sound and prudent actuarial judgment, to cover 446

potential expense, fees, damage, loss, or other liability. The 447
superintendent of insurance may recommend or, if the state 448
requests of the superintendent, shall recommend, a specific amount 449
for any period of time that, in the superintendent's opinion, 450
represents such a judgment. 451

(C) Nothing in this section shall be construed to require the 452
department of administrative services to purchase liability 453
insurance for all state vehicles in a single policy of insurance 454
or to cover all state vehicles under a single plan of 455
self-insurance. 456

(D) Insurance procured by the state pursuant to this section 457
shall be procured as provided in section 125.03 of the Revised 458
Code. 459

(E) For purposes of liability insurance procured under this 460
section to cover the operation of a motor vehicle by a prisoner 461
for whom the insurance is procured, "employee" includes a prisoner 462
in the custody of the department of rehabilitation and correction 463
who is enrolled in a work program that is established by the 464
department pursuant to section 5145.16 of the Revised Code and in 465
which the prisoner is required to operate a motor vehicle, as 466
defined in section 4509.01 of the Revised Code, and who is engaged 467
in the operation of a motor vehicle in the course of the work 468
program. 469

(F) There is hereby created in the state treasury the vehicle 470
liability fund. All contributions collected by the director of 471
administrative services under division (I) of this section shall 472
be deposited into the fund. The fund shall be used to provide 473
insurance and self-insurance for the state under this section. All 474
investment earnings of the fund shall be credited to it. 475

(G) The director of administrative services, through the 476
office of risk management, shall operate the vehicle liability 477

fund on an actuarially sound basis. 478

(H) Reserves shall be maintained in the vehicle liability 479
fund in any amount that is necessary and adequate, in the exercise 480
of sound and prudent actuarial judgment, to cover potential 481
liability claims, expenses, fees, or damages. Money in the fund 482
may be applied to the payment of liability claims that are filed 483
against the state in the court of claims and determined in the 484
manner provided in Chapter 2743. of the Revised Code. The director 485
of administrative services may procure the services of a qualified 486
actuarial firm for the purpose of recommending the specific amount 487
of money that is required to maintain adequate reserves for a 488
specified period of time. 489

(I) The director of administrative services shall collect 490
from each state agency or any participating state body its 491
contribution to the vehicle liability fund for the purpose of 492
purchasing insurance or administering self-insurance programs for 493
coverage authorized under this section. The amount of the 494
contribution shall be determined by the director, with the 495
approval of the director of budget and management. It shall be 496
based upon actuarial assumptions and the relative risk and loss 497
experience of each state agency or participating state body. The 498
amount of the contribution also shall include a reasonable sum to 499
cover administrative costs of the department of administrative 500
services. 501

Sec. 101.34. (A) There is hereby created a joint legislative 502
ethics committee to serve the general assembly. The committee 503
shall be composed of twelve members, six each from the two major 504
political parties, and each member shall serve on the committee 505
during the member's term as a member of that general assembly. Six 506
members of the committee shall be members of the house of 507
representatives appointed by the speaker of the house of 508

representatives, not more than three from the same political 509
party, and six members of the committee shall be members of the 510
senate appointed by the president of the senate, not more than 511
three from the same political party. A vacancy in the committee 512
shall be filled for the unexpired term in the same manner as an 513
original appointment. The members of the committee shall be 514
appointed within fifteen days after the first day of the first 515
regular session of each general assembly and the committee shall 516
meet and proceed to recommend an ethics code not later than thirty 517
days after the first day of the first regular session of each 518
general assembly. 519

In the first regular session of each general assembly, the 520
speaker of the house of representatives shall appoint the 521
chairperson of the committee from among the house members of the 522
committee and the president of the senate shall appoint the 523
vice-chairperson of the committee from among the senate members of 524
the committee. In the second regular session of each general 525
assembly, the president of the senate shall appoint the 526
chairperson of the committee from among the senate members of the 527
committee and the speaker of the house of representatives shall 528
appoint the vice-chairperson of the committee from among the house 529
members of the committee. The chairperson, vice-chairperson, and 530
members of the committee shall serve until their respective 531
successors are appointed or until they are no longer members of 532
the general assembly. 533

The committee shall meet at the call of the chairperson or 534
upon the written request of seven members of the committee. 535

(B) The joint legislative ethics committee: 536

(1) Shall recommend a code of ethics which is consistent with 537
law to govern all members and employees of each house of the 538
general assembly and all candidates for the office of member of 539
each house; 540

(2) May receive and hear any complaint which alleges a breach 541
of any privilege of either house, or misconduct of any member, 542
employee, or candidate, or any violation of the appropriate code 543
of ethics; 544

(3) May obtain information with respect to any complaint 545
filed pursuant to this section and to that end may enforce the 546
attendance and testimony of witnesses, and the production of books 547
and papers; 548

(4) May recommend whatever sanction is appropriate with 549
respect to a particular member, employee, or candidate as will 550
best maintain in the minds of the public a good opinion of the 551
conduct and character of members and employees of the general 552
assembly; 553

(5) May recommend legislation to the general assembly 554
relating to the conduct and ethics of members and employees of and 555
candidates for the general assembly; 556

(6) Shall employ an executive director for the committee and 557
may employ such other staff as the committee determines necessary 558
to assist it in exercising its powers and duties. The executive 559
director and staff of the committee shall be known as the office 560
of legislative inspector general. At least one member of the staff 561
of the committee shall be an attorney at law licensed to practice 562
law in this state. The appointment and removal of the executive 563
director shall require the approval of at least eight members of 564
the committee. 565

(7) May employ a special counsel to assist the committee in 566
exercising its powers and duties. The appointment and removal of a 567
special counsel shall require the approval of at least eight 568
members of the committee. 569

(8) Shall act as an advisory body to the general assembly and 570
to individual members, candidates, and employees on questions 571

relating to ethics, possible conflicts of interest, and financial disclosure; 572
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(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; 574
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(10) Exercise the powers and duties prescribed under sections 101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 577
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(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. 579
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(C) There is hereby created in the state treasury the joint legislative ethics committee fund. ~~All money collected from registration fees and late filing fees prescribed under sections 101.72 and 121.62 of the Revised Code shall be deposited into the state treasury to the credit of the fund.~~ Money credited to the fund and any interest and earnings from the fund shall be used solely for the operation of the joint legislative ethics committee and the office of legislative inspector general and for the purchase of data storage and computerization facilities for the statements filed with the joint committee under sections 101.73, 101.74, 121.63, and 121.64 of the Revised Code. 582
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(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. 593
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(E) Any investigative report that contains facts and findings regarding a complaint filed with the committee and that is 601
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prepared by the staff of the committee or a special counsel to the 603
committee shall become a public record upon its acceptance by a 604
vote of the majority of the members of the committee, except for 605
any names of specific individuals and entities contained in the 606
report. If the committee recommends disciplinary action or reports 607
its findings to the appropriate prosecuting authority for 608
proceedings in prosecution of the violations alleged in the 609
complaint, the investigatory report regarding the complaint shall 610
become a public record in its entirety. 611

(F)(1) Any file obtained by or in the possession of the 612
former house ethics committee or former senate ethics committee 613
shall become the property of the joint legislative ethics 614
committee. Any such file is confidential if either of the 615
following applies: 616

(a) It is confidential under section 102.06 of the Revised 617
Code or the legislative code of ethics. 618

(b) If the file was obtained from the former house ethics 619
committee or from the former senate ethics committee, it was 620
confidential under any statute or any provision of a code of 621
ethics that governed the file. 622

(2) As used in this division, "file" includes, but is not 623
limited to, evidence, documentation, or any other tangible thing. 624

Sec. 101.72. (A) Each legislative agent and employer, within 625
ten days following an engagement of a legislative agent, shall 626
file with the joint legislative ethics committee an initial 627
registration statement showing all of the following: 628

(1) The name, business address, and occupation of the 629
legislative agent; 630

(2) The name and business address of the employer and the 631
real party in interest on whose behalf the legislative agent is 632

actively advocating, if it is different from the employer. For the 633
purposes of division (A) of this section, where a trade 634
association or other charitable or fraternal organization that is 635
exempt from federal income taxation under subsection 501(c) of the 636
federal Internal Revenue Code is the employer, the statement need 637
not list the names and addresses of each member of the association 638
or organization, so long as the association or organization itself 639
is listed. 640

(3) A brief description of the type of legislation to which 641
the engagement relates. 642

(B) In addition to the initial registration statement 643
required by division (A) of this section, each legislative agent 644
and employer shall file with the joint committee, not later than 645
the last day of January, May, and September of each year, an 646
updated registration statement that confirms the continuing 647
existence of each engagement described in an initial registration 648
statement and that lists the specific bills or resolutions on 649
which the agent actively advocated under that engagement during 650
the period covered by the updated statement, and with it any 651
statement of expenditures required to be filed by section 101.73 652
of the Revised Code and any details of financial transactions 653
required to be filed by section 101.74 of the Revised Code. 654

(C) If a legislative agent is engaged by more than one 655
employer, the agent shall file a separate initial and updated 656
registration statement for each engagement. If an employer engages 657
more than one legislative agent, the employer need file only one 658
updated registration statement under division (B) of this section, 659
which shall contain the information required by division (B) of 660
this section regarding all of the legislative agents engaged by 661
the employer. 662

(D)(1) A change in any information required by division 663
(A)(1), (2), or (B) of this section shall be reflected in the next 664

updated registration statement filed under division (B) of this section. 665
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(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. 667
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(E) Except as otherwise provided in this division, a registration fee of ~~ten~~ twenty-five dollars shall be charged for filing an initial registration statement. All money collected from registration 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~~ into the general revenue fund of the state. 671
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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. 679
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(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. 686
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(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 692
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section. If the joint committee determines that the registration 696
statement does not contain all of the required information or that 697
a legislative agent or employer has failed to file a registration 698
statement, the joint committee shall send written notification by 699
certified mail to the person who filed the registration statement 700
regarding the deficiency in the statement or to the person who 701
failed to file the registration statement regarding the failure. 702
Any person so notified by the joint committee shall, not later 703
than fifteen days after receiving the notice, file a registration 704
statement or an amended registration statement that does contain 705
all of the information required by this section. If any person who 706
receives a notice under this division fails to file a registration 707
statement or such an amended registration statement within this 708
fifteen-day period, the joint committee shall assess a late filing 709
fee equal to twelve dollars and fifty cents per day, up to a 710
maximum of one hundred dollars, upon that person. The joint 711
committee may waive the late filing fee for good cause shown. 712

(H) On or before the fifteenth day of March of each year, the 713
joint committee shall, in the manner and form that it determines, 714
publish a report containing statistical information on the 715
registration statements filed with it under this section during 716
the preceding year. 717

Sec. 101.82. As used in sections 101.82 to 101.87 of the 718
Revised Code: 719

(A) "Agency" means any board, commission, committee, or 720
council, or any other similar state public body required to be 721
established pursuant to state statutes for the exercise of any 722
function of state government and to which members are appointed or 723
elected. "Agency" does not include the following: 724

(1) The general assembly, or any commission, committee, or 725
other body composed entirely of members thereof of the general 726

<u>assembly;</u>	727
(2) Any court;	728
(3) Any public body created by or directly pursuant to the constitution of this state;	729 730
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	731 732
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	733 734 735
(6) The public utilities commission of Ohio;	736
(7) The consumers' council governing board;	737
(8) The Ohio board of regents;	738
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	739 740 741
(10) Any board of elections;	742
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	743 744 745
(12) The Ohio public employees deferred compensation board;	746
(13) The Ohio retirement study council;	747
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	748 749 750 751
(15) The industrial commission.	752
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its	753 754

records to the department of administrative services pursuant to 755
division ~~(H)~~(E) of section 149.331 of the Revised Code. 756

(C) "Terminate" means to amend or repeal the statutes 757
creating and empowering an agency, remove its personnel, and 758
reassign its functions and records to another agency or officer 759
designated by the general assembly. 760

(D) "Transfer" means to amend the statutes creating and 761
empowering an agency so that its functions, records, and personnel 762
are conveyed to another agency or officer. 763

(E) "Renew" means to continue an agency, and may include 764
amendment of the statutes creating and empowering the agency, or 765
recommendations for changes in agency operation or personnel. 766

Sec. 102.02. (A) Except as otherwise provided in division (H) 767
of this section, every person who is elected to or is a candidate 768
for a state, county, or city office, or the office of member of 769
the United States congress, and every person who is appointed to 770
fill a vacancy for an unexpired term in such an elective office; 771
all members of the state board of education; the director, 772
assistant directors, deputy directors, division chiefs, or persons 773
of equivalent rank of any administrative department of the state; 774
the president or other chief administrative officer of every state 775
institution of higher education as defined in section 3345.011 of 776
the Revised Code; the chief executive officer of each state 777
retirement system; all members of the board of commissioners on 778
grievances and discipline of the supreme court and the ethics 779
commission created under section 102.05 of the Revised Code; every 780
business manager, treasurer, or superintendent of a city, local, 781
exempted village, joint vocational, or cooperative education 782
school district or an educational service center; every person who 783
is elected to or is a candidate for the office of member of a 784
board of education of a city, local, exempted village, joint 785

vocational, or cooperative education school district or of a 786
governing board of an educational service center that has a total 787
student count of twelve thousand or more as most recently 788
determined by the department of education pursuant to section 789
3317.03 of the Revised Code; every person who is appointed to the 790
board of education of a municipal school district pursuant to 791
division (B) or (F) of section 3311.71 of the Revised Code; all 792
members of the board of directors of a sanitary district 793
established under Chapter 6115. of the Revised Code and organized 794
wholly for the purpose of providing a water supply for domestic, 795
municipal, and public use that includes two municipal corporations 796
in two counties; every public official or employee who is paid a 797
salary or wage in accordance with schedule C of section 124.15 or 798
schedule E-2 of section 124.152 of the Revised Code; members of 799
the board of trustees and the executive director of the tobacco 800
use prevention and control foundation; members of the board of 801
trustees and the executive director of the southern Ohio 802
agricultural and community development foundation; and every other 803
public official or employee who is designated by the appropriate 804
ethics commission pursuant to division (B) of this section shall 805
file with the appropriate ethics commission on a form prescribed 806
by the commission, a statement disclosing all of the following: 807

(1) The name of the person filing the statement and each 808
member of the person's immediate family and all names under which 809
the person or members of the person's immediate family do 810
business; 811

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 812
and except as otherwise provided in section 102.022 of the Revised 813
Code, identification of every source of income, other than income 814
from a legislative agent identified in division (A)(2)(b) of this 815
section, received during the preceding calendar year, in the 816
person's own name or by any other person for the person's use or 817

benefit, by the person filing the statement, and a brief 818
description of the nature of the services for which the income was 819
received. If the person filing the statement is a member of the 820
general assembly, the statement shall identify the amount of every 821
source of income received in accordance with the following ranges 822
of amounts: zero or more, but less than one thousand dollars; one 823
thousand dollars or more, but less than ten thousand dollars; ten 824
thousand dollars or more, but less than twenty-five thousand 825
dollars; twenty-five thousand dollars or more, but less than fifty 826
thousand dollars; fifty thousand dollars or more, but less than 827
one hundred thousand dollars; and one hundred thousand dollars or 828
more. Division (A)(2)(a) of this section shall not be construed to 829
require a person filing the statement who derives income from a 830
business or profession to disclose the individual items of income 831
that constitute the gross income of that business or profession, 832
except for those individual items of income that are attributable 833
to the person's or, if the income is shared with the person, the 834
partner's, solicitation of services or goods or performance, 835
arrangement, or facilitation of services or provision of goods on 836
behalf of the business or profession of clients, including 837
corporate clients, who are legislative agents as defined in 838
section 101.70 of the Revised Code. A person who files the 839
statement under this section shall disclose the identity of and 840
the amount of income received from a person who the public 841
official or employee knows or has reason to know is doing or 842
seeking to do business of any kind with the public official's or 843
employee's agency. 844

(b) If the person filing the statement is a member of the 845
general assembly, the statement shall identify every source of 846
income and the amount of that income that was received from a 847
legislative agent, as defined in section 101.70 of the Revised 848
Code, during the preceding calendar year, in the person's own name 849
or by any other person for the person's use or benefit, by the 850

person filing the statement, and a brief description of the nature 851
of the services for which the income was received. Division 852
(A)(2)(b) of this section requires the disclosure of clients of 853
attorneys or persons licensed under section 4732.12 of the Revised 854
Code, or patients of persons certified under section 4731.14 of 855
the Revised Code, if those clients or patients are legislative 856
agents. Division (A)(2)(b) of this section requires a person 857
filing the statement who derives income from a business or 858
profession to disclose those individual items of income that 859
constitute the gross income of that business or profession that 860
are received from legislative agents. 861

(c) Except as otherwise provided in division (A)(2)(c) of 862
this section, division (A)(2)(a) of this section applies to 863
attorneys, physicians, and other persons who engage in the 864
practice of a profession and who, pursuant to a section of the 865
Revised Code, the common law of this state, a code of ethics 866
applicable to the profession, or otherwise, generally are required 867
not to reveal, disclose, or use confidences of clients, patients, 868
or other recipients of professional services except under 869
specified circumstances or generally are required to maintain 870
those types of confidences as privileged communications except 871
under specified circumstances. Division (A)(2)(a) of this section 872
does not require an attorney, physician, or other professional 873
subject to a confidentiality requirement as described in division 874
(A)(2)(c) of this section to disclose the name, other identity, or 875
address of a client, patient, or other recipient of professional 876
services if the disclosure would threaten the client, patient, or 877
other recipient of professional services, would reveal details of 878
the subject matter for which legal, medical, or professional 879
advice or other services were sought, or would reveal an otherwise 880
privileged communication involving the client, patient, or other 881
recipient of professional services. Division (A)(2)(a) of this 882
section does not require an attorney, physician, or other 883

professional subject to a confidentiality requirement as described 884
in division (A)(2)(c) of this section to disclose in the brief 885
description of the nature of services required by division 886
(A)(2)(a) of this section any information pertaining to specific 887
professional services rendered for a client, patient, or other 888
recipient of professional services that would reveal details of 889
the subject matter for which legal, medical, or professional 890
advice was sought or would reveal an otherwise privileged 891
communication involving the client, patient, or other recipient of 892
professional services. 893

(3) The name of every corporation on file with the secretary 894
of state that is incorporated in this state or holds a certificate 895
of compliance authorizing it to do business in this state, trust, 896
business trust, partnership, or association that transacts 897
business in this state in which the person filing the statement or 898
any other person for the person's use and benefit had during the 899
preceding calendar year an investment of over one thousand dollars 900
at fair market value as of the thirty-first day of December of the 901
preceding calendar year, or the date of disposition, whichever is 902
earlier, or in which the person holds any office or has a 903
fiduciary relationship, and a description of the nature of the 904
investment, office, or relationship. Division (A)(3) of this 905
section does not require disclosure of the name of any bank, 906
savings and loan association, credit union, or building and loan 907
association with which the person filing the statement has a 908
deposit or a withdrawable share account. 909

(4) All fee simple and leasehold interests to which the 910
person filing the statement holds legal title to or a beneficial 911
interest in real property located within the state, excluding the 912
person's residence and property used primarily for personal 913
recreation; 914

(5) The names of all persons residing or transacting business 915

in the state to whom the person filing the statement owes, in the 916
person's own name or in the name of any other person, more than 917
one thousand dollars. Division (A)(5) of this section shall not be 918
construed to require the disclosure of debts owed by the person 919
resulting from the ordinary conduct of a business or profession or 920
debts on the person's residence or real property used primarily 921
for personal recreation, except that the superintendent of 922
financial institutions shall disclose the names of all 923
state-chartered savings and loan associations and of all service 924
corporations subject to regulation under division (E)(2) of 925
section 1151.34 of the Revised Code to whom the superintendent in 926
the superintendent's own name or in the name of any other person 927
owes any money, and that the superintendent and any deputy 928
superintendent of banks shall disclose the names of all 929
state-chartered banks and all bank subsidiary corporations subject 930
to regulation under section 1109.44 of the Revised Code to whom 931
the superintendent or deputy superintendent owes any money. 932

(6) The names of all persons residing or transacting business 933
in the state, other than a depository excluded under division 934
(A)(3) of this section, who owe more than one thousand dollars to 935
the person filing the statement, either in the person's own name 936
or to any person for the person's use or benefit. Division (A)(6) 937
of this section shall not be construed to require the disclosure 938
of clients of attorneys or persons licensed under section 4732.12 939
or 4732.15 of the Revised Code, or patients of persons certified 940
under section 4731.14 of the Revised Code, nor the disclosure of 941
debts owed to the person resulting from the ordinary conduct of a 942
business or profession. 943

(7) Except as otherwise provided in section 102.022 of the 944
Revised Code, the source of each gift of over seventy-five 945
dollars, or of each gift of over twenty-five dollars received by a 946
member of the general assembly from a legislative agent, received 947

by the person in the person's own name or by any other person for 948
the person's use or benefit during the preceding calendar year, 949
except gifts received by will or by virtue of section 2105.06 of 950
the Revised Code, or received from spouses, parents, grandparents, 951
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 952
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 953
fathers-in-law, mothers-in-law, or any person to whom the person 954
filing the statement stands in loco parentis, or received by way 955
of distribution from any inter vivos or testamentary trust 956
established by a spouse or by an ancestor; 957

(8) Except as otherwise provided in section 102.022 of the 958
Revised Code, identification of the source and amount of every 959
payment of expenses incurred for travel to destinations inside or 960
outside this state that is received by the person in the person's 961
own name or by any other person for the person's use or benefit 962
and that is incurred in connection with the person's official 963
duties, except for expenses for travel to meetings or conventions 964
of a national or state organization to which any state agency, 965
including, but not limited to, any legislative agency or state 966
institution of higher education as defined in section 3345.011 of 967
the Revised Code, pays membership dues, or any political 968
subdivision or any office or agency of a political subdivision 969
pays membership dues; 970

(9) Except as otherwise provided in section 102.022 of the 971
Revised Code, identification of the source of payment of expenses 972
for meals and other food and beverages, other than for meals and 973
other food and beverages provided at a meeting at which the person 974
participated in a panel, seminar, or speaking engagement or at a 975
meeting or convention of a national or state organization to which 976
any state agency, including, but not limited to, any legislative 977
agency or state institution of higher education as defined in 978
section 3345.011 of the Revised Code, pays membership dues, or any 979

political subdivision or any office or agency of a political 980
subdivision pays membership dues, that are incurred in connection 981
with the person's official duties and that exceed one hundred 982
dollars aggregated per calendar year; 983

(10) If the financial disclosure statement is filed by a 984
public official or employee described in division (B)(2) of 985
section 101.73 of the Revised Code or division (B)(2) of section 986
121.63 of the Revised Code who receives a statement from a 987
legislative agent, executive agency lobbyist, or employer that 988
contains the information described in division (F)(2) of section 989
101.73 of the Revised Code or division (G)(2) of section 121.63 of 990
the Revised Code, all of the nondisputed information contained in 991
the statement delivered to that public official or employee by the 992
legislative agent, executive agency lobbyist, or employer under 993
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 994
the Revised Code. As used in division (A)(10) of this section, 995
"legislative agent," "executive agency lobbyist," and "employer" 996
have the same meanings as in sections 101.70 and 121.60 of the 997
Revised Code. 998

A person may file a statement required by this section in 999
person or by mail. A person who is a candidate for elective office 1000
shall file the statement no later than the thirtieth day before 1001
the primary, special, or general election at which the candidacy 1002
is to be voted on, whichever election occurs soonest, except that 1003
a person who is a write-in candidate shall file the statement no 1004
later than the twentieth day before the earliest election at which 1005
the person's candidacy is to be voted on. A person who holds 1006
elective office shall file the statement on or before the 1007
fifteenth day of April of each year unless the person is a 1008
candidate for office. A person who is appointed to fill a vacancy 1009
for an unexpired term in an elective office shall file the 1010
statement within fifteen days after the person qualifies for 1011

office. Other persons shall file an annual statement on or before 1012
the fifteenth day of April or, if appointed or employed after that 1013
date, within ninety days after appointment or employment. No 1014
person shall be required to file with the appropriate ethics 1015
commission more than one statement or pay more than one filing fee 1016
for any one calendar year. 1017

The appropriate ethics commission, for good cause, may extend 1018
for a reasonable time the deadline for filing a statement under 1019
this section. 1020

A statement filed under this section is subject to public 1021
inspection at locations designated by the appropriate ethics 1022
commission except as otherwise provided in this section. 1023

(B) The Ohio ethics commission, the joint legislative ethics 1024
committee, and the board of commissioners on grievances and 1025
discipline of the supreme court, using the rule-making procedures 1026
of Chapter 119. of the Revised Code, may require any class of 1027
public officials or employees under its jurisdiction and not 1028
specifically excluded by this section whose positions involve a 1029
substantial and material exercise of administrative discretion in 1030
the formulation of public policy, expenditure of public funds, 1031
enforcement of laws and rules of the state or a county or city, or 1032
the execution of other public trusts, to file an annual statement 1033
on or before the fifteenth day of April under division (A) of this 1034
section. The appropriate ethics commission shall send the public 1035
officials or employees written notice of the requirement by the 1036
fifteenth day of February of each year the filing is required 1037
unless the public official or employee is appointed after that 1038
date, in which case the notice shall be sent within thirty days 1039
after appointment, and the filing shall be made not later than 1040
ninety days after appointment. 1041

Except for disclosure statements filed by members of the 1042
board of trustees and the executive director of the tobacco use 1043

prevention and control foundation and members of the board of 1044
trustees and the executive director of the southern Ohio 1045
agricultural and community development foundation, disclosure 1046
statements filed under this division with the Ohio ethics 1047
commission by members of boards, commissions, or bureaus of the 1048
state for which no compensation is received other than reasonable 1049
and necessary expenses shall be kept confidential. Disclosure 1050
statements filed with the Ohio ethics commission under division 1051
(A) of this section by business managers, treasurers, and 1052
superintendents of city, local, exempted village, joint 1053
vocational, or cooperative education school districts or 1054
educational service centers shall be kept confidential, except 1055
that any person conducting an audit of any such school district or 1056
educational service center pursuant to section 115.56 or Chapter 1057
117. of the Revised Code may examine the disclosure statement of 1058
any business manager, treasurer, or superintendent of that school 1059
district or educational service center. The Ohio ethics commission 1060
shall examine each disclosure statement required to be kept 1061
confidential to determine whether a potential conflict of interest 1062
exists for the person who filed the disclosure statement. A 1063
potential conflict of interest exists if the private interests of 1064
the person, as indicated by the person's disclosure statement, 1065
might interfere with the public interests the person is required 1066
to serve in the exercise of the person's authority and duties in 1067
the person's office or position of employment. If the commission 1068
determines that a potential conflict of interest exists, it shall 1069
notify the person who filed the disclosure statement and shall 1070
make the portions of the disclosure statement that indicate a 1071
potential conflict of interest subject to public inspection in the 1072
same manner as is provided for other disclosure statements. Any 1073
portion of the disclosure statement that the commission determines 1074
does not indicate a potential conflict of interest shall be kept 1075
confidential by the commission and shall not be made subject to 1076

public inspection, except as is necessary for the enforcement of 1077
Chapters 102. and 2921. of the Revised Code and except as 1078
otherwise provided in this division. 1079

(C) No person shall knowingly fail to file, on or before the 1080
applicable filing deadline established under this section, a 1081
statement that is required by this section. 1082

(D) No person shall knowingly file a false statement that is 1083
required to be filed under this section. 1084

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1085
section, the statement required by division (A) or (B) of this 1086
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1087
dollars. 1088

(2) The statement required by division (A) of this section 1089
shall be accompanied by a the following filing fee to be paid by 1090
the person who is elected or appointed to, or is a candidate for, 1091
any of the following offices: 1092

For state office, except member of <u>the</u>		1093
state board of education	\$ 50 <u>65</u>	1094
For office of member of United States		1095
congress or member of general assembly	\$ 25 <u>40</u>	1096
For county office	\$ 25 <u>40</u>	1097
For city office	\$ 10 <u>25</u>	1098
For office of member of <u>the</u> state board		1099
of education	\$ 20 <u>25</u>	1100
For office of member of <u>a</u> city, local,		1101
exempted village, or cooperative		1102
education board of		1103
education or educational service		1104
center governing board	\$ 5 <u>20</u>	1105
For position of business manager,		1106
treasurer, or superintendent of <u>a</u>		1107
city, local, exempted village, joint		1108

vocational, or cooperative education 1109
school district or 1110
educational service center \$ 5 20 1111

(3) No judge of a court of record or candidate for judge of a 1112
court of record, and no referee or magistrate serving a court of 1113
record, shall be required to pay the fee required under division 1114
(E)(1) or (2) or (F) of this section. 1115

(4) For any public official who is appointed to a nonelective 1116
office of the state and for any employee who holds a nonelective 1117
position in a public agency of the state, the state agency that is 1118
the primary employer of the state official or employee shall pay 1119
the fee required under division (E)(1) or (F) of this section. 1120

(F) If a statement required to be filed under this section is 1121
not filed by the date on which it is required to be filed, the 1122
appropriate ethics commission shall assess the person required to 1123
file the statement a late filing fee ~~equal to one half of the~~ 1124
~~applicable filing fee~~ ten dollars for each day the statement is 1125
not filed, except that the total amount of the late filing fee 1126
shall not exceed ~~one~~ two hundred fifty dollars. 1127

(G)(1) The appropriate ethics commission other than the Ohio 1128
ethics commission shall deposit all fees it receives under 1129
divisions (E) and (F) of this section into the general revenue 1130
fund of the state. 1131

(2) The Ohio ethics commission shall deposit all receipts, 1132
including, but not limited to, fees it receives under divisions 1133
(E) and (F) of this section and all moneys it receives from 1134
settlements under division (G) of section 102.06 of the Revised 1135
Code, into the Ohio ethics commission fund, which is hereby 1136
created in the state treasury. All moneys credited to the fund 1137
shall be used solely for expenses related to the operation and 1138
statutory functions of the commission. 1139

(H) Division (A) of this section does not apply to a person 1140
elected or appointed to the office of precinct, ward, or district 1141
committee member under Chapter 3517. of the Revised Code; a 1142
presidential elector; a delegate to a national convention; village 1143
or township officials and employees; any physician or psychiatrist 1144
who is paid a salary or wage in accordance with schedule C of 1145
section 124.15 or schedule E-2 of section 124.152 of the Revised 1146
Code and whose primary duties do not require the exercise of 1147
administrative discretion; or any member of a board, commission, 1148
or bureau of any county or city who receives less than one 1149
thousand dollars per year for serving in that position. 1150

Sec. 107.31. (A) As used in this section: 1151

(1) "State institutional facility" means any institution or 1152
other facility, in operation on or after January 1, 2003, for the 1153
housing of any person that is under the control of the department 1154
of rehabilitation and correction, the department of youth 1155
services, the department of mental retardation and developmental 1156
disabilities, the department of mental health, or any other agency 1157
or department of state government. 1158

(2) "Target state agency" means the agency of state 1159
government that operates the institutional facility or facilities 1160
that the governor believes should be closed. 1161

(B) Prior to the closing of a state institutional facility, 1162
the target state agency shall conduct a survey and analysis of the 1163
needs of each client at that facility for the purpose of ensuring 1164
that each client's identified needs during the transition and in 1165
the client's new setting are met. A copy of the analysis, devoid 1166
of any client identifying information, as well as the target state 1167
agency's proposal for meeting the needs of the clients, shall be 1168
submitted to the general assembly in accordance with section 1169
101.68 of the Revised Code at least two months prior to the 1170

closing. 1171

Sec. 108.05. (A) The lieutenant governor shall be a member of 1172
the governor's cabinet and shall preside at its meetings in the 1173
absence of the governor. 1174

(B) The governor may appoint the lieutenant governor as an 1175
administrative department head listed in section 121.03 of the 1176
Revised Code, ~~as director of the office of criminal justice~~ 1177
~~services pursuant to section 181.52 of the Revised Code,~~ as the 1178
governor's representative on any board, agency, committee, or 1179
commission of which the governor is a member and has the authority 1180
to appoint a representative, or in an advisory capacity to any 1181
nonelective board, agency, committee, or commission in the 1182
executive department or may give the lieutenant governor any 1183
special assignment as the governor considers in the interest of 1184
the state. 1185

(C) When carrying out any of the functions described in 1186
division (B) of this section, the lieutenant governor shall be 1187
reimbursed from funds of the particular authority for necessary 1188
expenses incurred in the conduct of authority business. 1189

Sec. 109.57. (A)(1) The superintendent of the bureau of 1190
criminal identification and investigation shall procure from 1191
wherever procurable and file for record photographs, pictures, 1192
descriptions, fingerprints, measurements, and other information 1193
that may be pertinent of all persons who have been convicted of 1194
committing within this state a felony, any crime constituting a 1195
misdemeanor on the first offense and a felony on subsequent 1196
offenses, or any misdemeanor described in division (A)(1)(a) of 1197
section 109.572 of the Revised Code, of all children under 1198
eighteen years of age who have been adjudicated delinquent 1199
children for committing within this state an act that would be a 1200

felony or an offense of violence if committed by an adult or who 1201
have been convicted of or pleaded guilty to committing within this 1202
state a felony or an offense of violence, and of all well-known 1203
and habitual criminals. The person in charge of any county, 1204
multicounty, municipal, municipal-county, or multicounty-municipal 1205
jail or workhouse, community-based correctional facility, halfway 1206
house, alternative residential facility, or state correctional 1207
institution and the person in charge of any state institution 1208
having custody of a person suspected of having committed a felony, 1209
any crime constituting a misdemeanor on the first offense and a 1210
felony on subsequent offenses, or any misdemeanor described in 1211
division (A)(1)(a) of section 109.572 of the Revised Code or 1212
having custody of a child under eighteen years of age with respect 1213
to whom there is probable cause to believe that the child may have 1214
committed an act that would be a felony or an offense of violence 1215
if committed by an adult shall furnish such material to the 1216
superintendent of the bureau. Fingerprints, photographs, or other 1217
descriptive information of a child who is under eighteen years of 1218
age, has not been arrested or otherwise taken into custody for 1219
committing an act that would be a felony or an offense of violence 1220
if committed by an adult, has not been adjudicated a delinquent 1221
child for committing an act that would be a felony or an offense 1222
of violence if committed by an adult, has not been convicted of or 1223
pleaded guilty to committing a felony or an offense of violence, 1224
and is not a child with respect to whom there is probable cause to 1225
believe that the child may have committed an act that would be a 1226
felony or an offense of violence if committed by an adult shall 1227
not be procured by the superintendent or furnished by any person 1228
in charge of any county, multicounty, municipal, municipal-county, 1229
or multicounty-municipal jail or workhouse, community-based 1230
correctional facility, halfway house, alternative residential 1231
facility, or state correctional institution, except as authorized 1232
in section 2151.313 of the Revised Code. 1233

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not

competent to stand trial, or an entry of a nolle prosequi, or the 1265
date of any other determination that constitutes final resolution 1266
of the case; 1267

(e) A statement of the original charge with the section of 1268
the Revised Code that was alleged to be violated; 1269

(f) If the person or child was convicted, pleaded guilty, or 1270
was adjudicated a delinquent child, the sentence or terms of 1271
probation imposed or any other disposition of the offender or the 1272
delinquent child. 1273

If the offense involved the disarming of a law enforcement 1274
officer or an attempt to disarm a law enforcement officer, the 1275
clerk shall clearly state that fact in the summary, and the 1276
superintendent shall ensure that a clear statement of that fact is 1277
placed in the bureau's records. 1278

(3) The superintendent shall cooperate with and assist 1279
sheriffs, chiefs of police, and other law enforcement officers in 1280
the establishment of a complete system of criminal identification 1281
and in obtaining fingerprints and other means of identification of 1282
all persons arrested on a charge of a felony, any crime 1283
constituting a misdemeanor on the first offense and a felony on 1284
subsequent offenses, or a misdemeanor described in division 1285
(A)(1)(a) of section 109.572 of the Revised Code and of all 1286
children under eighteen years of age arrested or otherwise taken 1287
into custody for committing an act that would be a felony or an 1288
offense of violence if committed by an adult. The superintendent 1289
also shall file for record the fingerprint impressions of all 1290
persons confined in a county, multicounty, municipal, 1291
municipal-county, or multicounty-municipal jail or workhouse, 1292
community-based correctional facility, halfway house, alternative 1293
residential facility, or state correctional institution for the 1294
violation of state laws and of all children under eighteen years 1295
of age who are confined in a county, multicounty, municipal, 1296

municipal-county, or multicounty-municipal jail or workhouse, 1297
community-based correctional facility, halfway house, alternative 1298
residential facility, or state correctional institution or in any 1299
facility for delinquent children for committing an act that would 1300
be a felony or an offense of violence if committed by an adult, 1301
and any other information that the superintendent may receive from 1302
law enforcement officials of the state and its political 1303
subdivisions. 1304

(4) The superintendent shall carry out Chapter 2950. of the 1305
Revised Code with respect to the registration of persons who are 1306
convicted of or plead guilty to a sexually oriented offense and 1307
with respect to all other duties imposed on the bureau under that 1308
chapter. 1309

(B) The superintendent shall prepare and furnish to every 1310
county, multicounty, municipal, municipal-county, or 1311
multicounty-municipal jail or workhouse, community-based 1312
correctional facility, halfway house, alternative residential 1313
facility, or state correctional institution and to every clerk of 1314
a court in this state specified in division (A)(2) of this section 1315
standard forms for reporting the information required under 1316
division (A) of this section. The standard forms that the 1317
superintendent prepares pursuant to this division may be in a 1318
tangible format, in an electronic format, or in both tangible 1319
formats and electronic formats. 1320

(C) The superintendent may operate a center for electronic, 1321
automated, or other data processing for the storage and retrieval 1322
of information, data, and statistics pertaining to criminals and 1323
to children under eighteen years of age who are adjudicated 1324
delinquent children for committing an act that would be a felony 1325
or an offense of violence if committed by an adult, criminal 1326
activity, crime prevention, law enforcement, and criminal justice, 1327
and may establish and operate a statewide communications network 1328

to gather and disseminate information, data, and statistics for 1329
the use of law enforcement agencies. The superintendent may 1330
gather, store, retrieve, and disseminate information, data, and 1331
statistics that pertain to children who are under eighteen years 1332
of age and that are gathered pursuant to sections 109.57 to 109.61 1333
of the Revised Code together with information, data, and 1334
statistics that pertain to adults and that are gathered pursuant 1335
to those sections. 1336

(D) The information and materials furnished to the 1337
superintendent pursuant to division (A) of this section and 1338
information and materials furnished to any board or person under 1339
division (F) or (G) of this section are not public records under 1340
section 149.43 of the Revised Code. 1341

(E) The attorney general shall adopt rules, in accordance 1342
with Chapter 119. of the Revised Code, setting forth the procedure 1343
by which a person may receive or release information gathered by 1344
the superintendent pursuant to division (A) of this section. A 1345
reasonable fee may be charged for this service. If a temporary 1346
employment service submits a request for a determination of 1347
whether a person the service plans to refer to an employment 1348
position has been convicted of or pleaded guilty to an offense 1349
listed in division (A)(1), (3), (4), ~~or (5)~~, or (6) of section 1350
109.572 of the Revised Code, the request shall be treated as a 1351
single request and only one fee shall be charged. 1352

(F)(1) As used in division (F)(2) of this section, "head 1353
start agency" means an entity in this state that has been approved 1354
to be an agency for purposes of subchapter II of the "Community 1355
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1356
as amended. 1357

(2)(a) In addition to or in conjunction with any request that 1358
is required to be made under section 109.572, 2151.86, 3301.32, 1359
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1360

5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1361
education of any school district; the director of mental 1362
retardation and developmental disabilities; any county board of 1363
mental retardation and developmental disabilities; any entity 1364
under contract with a county board of mental retardation and 1365
developmental disabilities; the chief administrator of any 1366
chartered nonpublic school; the chief administrator of any home 1367
health agency; the chief administrator of or person operating any 1368
child day-care center, type A family day-care home, or type B 1369
family day-care home licensed or certified under Chapter 5104. of 1370
the Revised Code; the administrator of any type C family day-care 1371
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1372
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1373
general assembly; the chief administrator of any head start 1374
agency; or the executive director of a public children services 1375
agency may request that the superintendent of the bureau 1376
investigate and determine, with respect to any individual who has 1377
applied for employment in any position after October 2, 1989, or 1378
any individual wishing to apply for employment with a board of 1379
education may request, with regard to the individual, whether the 1380
bureau has any information gathered under division (A) of this 1381
section that pertains to that individual. On receipt of the 1382
request, the superintendent shall determine whether that 1383
information exists and, upon request of the person, board, or 1384
entity requesting information, also shall request from the federal 1385
bureau of investigation any criminal records it has pertaining to 1386
that individual. Within thirty days of the date that the 1387
superintendent receives a request, the superintendent shall send 1388
to the board, entity, or person a report of any information that 1389
the superintendent determines exists, including information 1390
contained in records that have been sealed under section 2953.32 1391
of the Revised Code, and, within thirty days of its receipt, shall 1392
send the board, entity, or person a report of any information 1393

received from the federal bureau of investigation, other than 1394
information the dissemination of which is prohibited by federal 1395
law. 1396

(b) When a board of education is required to receive 1397
information under this section as a prerequisite to employment of 1398
an individual pursuant to section 3319.39 of the Revised Code, it 1399
may accept a certified copy of records that were issued by the 1400
bureau of criminal identification and investigation and that are 1401
presented by an individual applying for employment with the 1402
district in lieu of requesting that information itself. In such a 1403
case, the board shall accept the certified copy issued by the 1404
bureau in order to make a photocopy of it for that individual's 1405
employment application documents and shall return the certified 1406
copy to the individual. In a case of that nature, a district only 1407
shall accept a certified copy of records of that nature within one 1408
year after the date of their issuance by the bureau. 1409

(3) The state board of education may request, with respect to 1410
any individual who has applied for employment after October 2, 1411
1989, in any position with the state board or the department of 1412
education, any information that a school district board of 1413
education is authorized to request under division (F)(2) of this 1414
section, and the superintendent of the bureau shall proceed as if 1415
the request has been received from a school district board of 1416
education under division (F)(2) of this section. 1417

(4) When the superintendent of the bureau receives a request 1418
for information that is authorized under section 3319.291 of the 1419
Revised Code, the superintendent shall proceed as if the request 1420
has been received from a school district board of education under 1421
division (F)(2) of this section. 1422

(5) When a recipient of an OhioReads classroom or community 1423
reading grant paid under section 3301.86 or 3301.87 of the Revised 1424
Code or an entity approved by the OhioReads council requests, with 1425

respect to any individual who applies to participate in providing 1426
any program or service through an entity approved by the OhioReads 1427
council or funded in whole or in part by the grant, the 1428
information that a school district board of education is 1429
authorized to request under division (F)(2)(a) of this section, 1430
the superintendent of the bureau shall proceed as if the request 1431
has been received from a school district board of education under 1432
division (F)(2)(a) of this section. 1433

(G) In addition to or in conjunction with any request that is 1434
required to be made under section 173.41, 3701.881, 3712.09, 1435
3721.121, or 3722.151 of the Revised Code with respect to an 1436
individual who has applied for employment in a position that 1437
involves providing direct care to an older adult, the chief 1438
administrator of a PASSPORT agency that provides services through 1439
the PASSPORT program created under section 173.40 of the Revised 1440
Code, home health agency, hospice care program, home licensed 1441
under Chapter 3721. of the Revised Code, adult day-care program 1442
operated pursuant to rules adopted under section 3721.04 of the 1443
Revised Code, or adult care facility may request that the 1444
superintendent of the bureau investigate and determine, with 1445
respect to any individual who has applied after January 27, 1997, 1446
for employment in a position that does not involve providing 1447
direct care to an older adult, whether the bureau has any 1448
information gathered under division (A) of this section that 1449
pertains to that individual. On receipt of the request, the 1450
superintendent shall determine whether that information exists 1451
and, on request of the administrator requesting information, shall 1452
also request from the federal bureau of investigation any criminal 1453
records it has pertaining to that individual. Within thirty days 1454
of the date a request is received, the superintendent shall send 1455
to the administrator a report of any information determined to 1456
exist, including information contained in records that have been 1457
sealed under section 2953.32 of the Revised Code, and, within 1458

thirty days of its receipt, shall send the administrator a report 1459
of any information received from the federal bureau of 1460
investigation, other than information the dissemination of which 1461
is prohibited by federal law. 1462

(H) Information obtained by a board, administrator, or other 1463
person under this section is confidential and shall not be 1464
released or disseminated. 1465

(I) The superintendent may charge a reasonable fee for 1466
providing information or criminal records under division (F)(2) or 1467
(G) of this section. 1468

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1469
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 1470
or 5153.111 of the Revised Code, a completed form prescribed 1471
pursuant to division (C)(1) of this section, and a set of 1472
fingerprint impressions obtained in the manner described in 1473
division (C)(2) of this section, the superintendent of the bureau 1474
of criminal identification and investigation shall conduct a 1475
criminal records check in the manner described in division (B) of 1476
this section to determine whether any information exists that 1477
indicates that the person who is the subject of the request 1478
previously has been convicted of or pleaded guilty to any of the 1479
following: 1480

(a) A violation of section 2903.01, 2903.02, 2903.03, 1481
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1482
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1483
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1484
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1485
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1486
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1487
2925.06, or 3716.11 of the Revised Code, felonious sexual 1488
penetration in violation of former section 2907.12 of the Revised 1489

Code, a violation of section 2905.04 of the Revised Code as it 1490
existed prior to July 1, 1996, a violation of section 2919.23 of 1491
the Revised Code that would have been a violation of section 1492
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1493
had the violation been committed prior to that date, or a 1494
violation of section 2925.11 of the Revised Code that is not a 1495
minor drug possession offense; 1496

(b) A violation of an existing or former law of this state, 1497
any other state, or the United States that is substantially 1498
equivalent to any of the offenses listed in division (A)(1)(a) of 1499
this section. 1500

(2) On receipt of a request pursuant to section 5123.081 of 1501
the Revised Code with respect to an applicant for employment in 1502
any position with the department of mental retardation and 1503
developmental disabilities, pursuant to section 5126.28 of the 1504
Revised Code with respect to an applicant for employment in any 1505
position with a county board of mental retardation and 1506
developmental disabilities, or pursuant to section 5126.281 of the 1507
Revised Code with respect to an applicant for employment in a 1508
direct services position with an entity contracting with a county 1509
board for employment, a completed form prescribed pursuant to 1510
division (C)(1) of this section, and a set of fingerprint 1511
impressions obtained in the manner described in division (C)(2) of 1512
this section, the superintendent of the bureau of criminal 1513
identification and investigation shall conduct a criminal records 1514
check. The superintendent shall conduct the criminal records check 1515
in the manner described in division (B) of this section to 1516
determine whether any information exists that indicates that the 1517
person who is the subject of the request has been convicted of or 1518
pleaded guilty to any of the following: 1519

(a) A violation of section 2903.01, 2903.02, 2903.03, 1520
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1521

2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1522
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1523
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1524
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1525
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1526
3716.11 of the Revised Code; 1527

(b) An existing or former municipal ordinance or law of this 1528
state, any other state, or the United States that is substantially 1529
equivalent to any of the offenses listed in division (A)(2)(a) of 1530
this section. 1531

(3) On receipt of a request pursuant to section 173.41, 1532
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1533
form prescribed pursuant to division (C)(1) of this section, and a 1534
set of fingerprint impressions obtained in the manner described in 1535
division (C)(2) of this section, the superintendent of the bureau 1536
of criminal identification and investigation shall conduct a 1537
criminal records check with respect to any person who has applied 1538
for employment in a position that involves providing direct care 1539
to an older adult. The superintendent shall conduct the criminal 1540
records check in the manner described in division (B) of this 1541
section to determine whether any information exists that indicates 1542
that the person who is the subject of the request previously has 1543
been convicted of or pleaded guilty to any of the following: 1544

(a) A violation of section 2903.01, 2903.02, 2903.03, 1545
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1546
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1547
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1548
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1549
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1550
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1551
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1552
2925.22, 2925.23, or 3716.11 of the Revised Code; 1553

(b) An existing or former law of this state, any other state, 1554
or the United States that is substantially equivalent to any of 1555
the offenses listed in division (A)(3)(a) of this section. 1556

(4) On receipt of a request pursuant to section 3701.881 of 1557
the Revised Code with respect to an applicant for employment with 1558
a home health agency as a person responsible for the care, 1559
custody, or control of a child, a completed form prescribed 1560
pursuant to division (C)(1) of this section, and a set of 1561
fingerprint impressions obtained in the manner described in 1562
division (C)(2) of this section, the superintendent of the bureau 1563
of criminal identification and investigation shall conduct a 1564
criminal records check. The superintendent shall conduct the 1565
criminal records check in the manner described in division (B) of 1566
this section to determine whether any information exists that 1567
indicates that the person who is the subject of the request 1568
previously has been convicted of or pleaded guilty to any of the 1569
following: 1570

(a) A violation of section 2903.01, 2903.02, 2903.03, 1571
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1572
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1573
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1574
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1575
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1576
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1577
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1578
violation of section 2925.11 of the Revised Code that is not a 1579
minor drug possession offense; 1580

(b) An existing or former law of this state, any other state, 1581
or the United States that is substantially equivalent to any of 1582
the offenses listed in division (A)(4)(a) of this section. 1583

(5) On receipt of a request pursuant to section 5111.95 or 1584

5111.96 of the Revised Code with respect to an applicant for 1585
employment with agencies participating in department of job and 1586
family services administered waivers or independent providers in 1587
department administered home and community-based service programs 1588
in a position that involves providing home and community-based 1589
waiver services to consumers with disabilities, a completed form 1590
prescribed pursuant to division (C)(1) of this section, and a set 1591
of fingerprint impressions obtained in the manner described in 1592
division (C)(2) of this section, the superintendent of the bureau 1593
of criminal identification and investigation shall conduct a 1594
criminal records check. The superintendent shall conduct the 1595
criminal records check in the manner described in division (B) of 1596
this section to determine whether any information exists that 1597
indicates that the person who is the subject of the request 1598
previously has been convicted of or pleaded guilty to any of the 1599
following: 1600

(a) A violation of section 2903.01, 2903.02, 2903.03, 1601
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1602
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1603
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1604
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1605
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1606
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1607
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1608
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1609
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1610
Revised Code, felonious sexual penetration in violation of former 1611
section 2907.12 of the Revised Code, a violation of section 1612
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1613
violation of section 2919.23 of the Revised Code that would have 1614
been a violation of section 2905.04 of the Revised Code as it 1615
existed prior to July 1, 1996, had the violation been committed 1616
prior to that date; 1617

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section. 1618
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(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1621
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1634
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)~~(5)~~(6)(a) of this section. 1643
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~~(6)~~(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made 1646
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under division (A)(1) of this section, the superintendent shall 1649
determine whether any information exists that indicates that the 1650
person who is the subject of the request previously has been 1651
convicted of or pleaded guilty to any offense specified in section 1652
3319.31 of the Revised Code. 1653

~~(7)~~(8) When conducting a criminal records check on a request 1654
pursuant to section 2151.86 of the Revised Code for a person who 1655
is a prospective foster caregiver or who is eighteen years old or 1656
older and resides in the home of a prospective foster caregiver, 1657
the superintendent, in addition to the determination made under 1658
division (A)(1) of this section, shall determine whether any 1659
information exists that indicates that the person has been 1660
convicted of or pleaded guilty to a violation of: 1661

(a) Section 2909.02 or 2909.03 of the Revised Code; 1662

(b) An existing or former law of this state, any other state, 1663
or the United States that is substantially equivalent to section 1664
2909.02 or 2909.03 of the Revised Code. 1665

~~(8)~~(9) Not later than thirty days after the date the 1666
superintendent receives the request, completed form, and 1667
fingerprint impressions, the superintendent shall send the person, 1668
board, or entity that made the request any information, other than 1669
information the dissemination of which is prohibited by federal 1670
law, the superintendent determines exists with respect to the 1671
person who is the subject of the request that indicates that the 1672
person previously has been convicted of or pleaded guilty to any 1673
offense listed or described in division (A)(1), (2), (3), (4), 1674
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 1675
superintendent shall send the person, board, or entity that made 1676
the request a copy of the list of offenses specified in division 1677
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 1678
as appropriate. If the request was made under section 3701.881 of 1679
the Revised Code with regard to an applicant who may be both 1680

responsible for the care, custody, or control of a child and 1681
involved in providing direct care to an older adult, the 1682
superintendent shall provide a list of the offenses specified in 1683
divisions (A)(4) and ~~(5)~~(6) of this section. 1684

(B) The superintendent shall conduct any criminal records 1685
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 1686
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 1687
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1688
5153.111 of the Revised Code as follows: 1689

(1) The superintendent shall review or cause to be reviewed 1690
any relevant information gathered and compiled by the bureau under 1691
division (A) of section 109.57 of the Revised Code that relates to 1692
the person who is the subject of the request, including any 1693
relevant information contained in records that have been sealed 1694
under section 2953.32 of the Revised Code; 1695

(2) If the request received by the superintendent asks for 1696
information from the federal bureau of investigation, the 1697
superintendent shall request from the federal bureau of 1698
investigation any information it has with respect to the person 1699
who is the subject of the request and shall review or cause to be 1700
reviewed any information the superintendent receives from that 1701
bureau. 1702

(C)(1) The superintendent shall prescribe a form to obtain 1703
the information necessary to conduct a criminal records check from 1704
any person for whom a criminal records check is required by 1705
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1706
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 1707
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1708
form that the superintendent prescribes pursuant to this division 1709
may be in a tangible format, in an electronic format, or in both 1710
tangible and electronic formats. 1711

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request.

(4) The superintendent of the bureau of criminal

identification and investigation may prescribe methods of 1744
forwarding fingerprint impressions and information necessary to 1745
conduct a criminal records check, which methods shall include, but 1746
not be limited to, an electronic method. 1747

(D) A determination whether any information exists that 1748
indicates that a person previously has been convicted of or 1749
pleaded guilty to any offense listed or described in division 1750
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1751
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 1752
or (b) of this section that is made by the superintendent with 1753
respect to information considered in a criminal records check in 1754
accordance with this section is valid for the person who is the 1755
subject of the criminal records check for a period of one year 1756
from the date upon which the superintendent makes the 1757
determination. During the period in which the determination in 1758
regard to a person is valid, if another request under this section 1759
is made for a criminal records check for that person, the 1760
superintendent shall provide the information that is the basis for 1761
the superintendent's initial determination at a lower fee than the 1762
fee prescribed for the initial criminal records check. 1763

(E) As used in this section: 1764

(1) "Criminal records check" means any criminal records check 1765
conducted by the superintendent of the bureau of criminal 1766
identification and investigation in accordance with division (B) 1767
of this section. 1768

(2) "Home and community-based waiver services" has the same 1769
meaning as in section 5111.95 of the Revised Code. 1770

(3) "Minor drug possession offense" has the same meaning as 1771
in section 2925.01 of the Revised Code. 1772

~~(3)~~(4) "Older adult" means a person age sixty or older. 1773

Sec. 109.91. (A) There is hereby established within the 1774
office of the attorney general the crime victims assistance 1775
office. 1776

(B) There is hereby established the state victims assistance 1777
advisory committee. The committee shall consist of a chairperson, 1778
to be appointed by the attorney general, four ex officio members, 1779
and fifteen members to be appointed by the attorney general as 1780
follows: one member who represents the Ohio victim-witness 1781
association; three members who represent local victim assistance 1782
programs, including one from a municipally operated program and 1783
one from a county-operated program; one member who represents the 1784
interests of elderly victims; one member who is a board member of 1785
any statewide or local organization that exists primarily to aid 1786
victims of domestic violence, or who is an employee of, or 1787
counselor for, such an organization; one member who is an employee 1788
or officer of a county probation department or a probation 1789
department operated by the department of rehabilitation and 1790
correction; one member who is a county prosecuting attorney; one 1791
member who is a city law director; one member who is a county 1792
sheriff; one member who is a member or officer of a township or 1793
municipal police department; one member who is a court of common 1794
pleas judge; one member who is a municipal court judge or county 1795
court judge; and two members who are private citizens and are not 1796
government employees. 1797

The committee shall include the following ex officio, 1798
nonvoting members: the chief justice of the supreme court, the 1799
attorney general, one member of the senate to be designated by the 1800
president of the senate, and one member of the house of 1801
representatives to be designated by the speaker of the house. 1802

Members of the committee shall serve without compensation, 1803
but shall be reimbursed for travel and other necessary expenses 1804

that are incurred in the conduct of their official duties as 1805
members of the committee. The chairperson and members of the 1806
committee appointed by the attorney general shall serve at the 1807
pleasure of the attorney general. The chief justice of the supreme 1808
court and the attorney general shall serve on the committee until 1809
the end of the term of office that qualified them for membership 1810
on the committee. The member of the senate and the member of the 1811
house of representatives shall serve at the pleasure of the 1812
president of the senate and the speaker of the house of 1813
representatives, respectively. 1814

(C) The victims assistance advisory committee shall perform 1815
both of the following duties: 1816

(1) Advise the crime victims assistance office in determining 1817
crime and delinquency victim service needs, determining crime and 1818
delinquency victim policies for the state, and improving and 1819
exercising leadership in the quality of crime and delinquency 1820
victim programs in the state; 1821

(2) Review and recommend to the crime victims assistance 1822
office the victim assistance programs that should be considered 1823
for the receipt of state financial assistance pursuant to section 1824
109.92 of the Revised Code. The financial assistance allocation 1825
recommendations of the committee shall be based on the following 1826
priorities: 1827

(a) Programs in existence on July 1, 1985, shall be given 1828
first priority; 1829

(b) Programs offering or proposing to offer the broadest 1830
range of services and referrals to the community served, including 1831
medical, psychological, financial, educational, vocational, and 1832
legal services that were not in existence on July 1, 1985, shall 1833
be given second priority; 1834

(c) Other qualified programs shall be given last priority. 1835

(D) As used in this section and section 109.92 of the Revised Code, "victim assistance program" includes, but is not limited to a program that provides at least one of the following:

(1) Services to victims of any offense of violence or delinquent act that would be an offense of violence if committed by an adult;

(2) Financial assistance or property repair services to victims of crime or delinquent acts;

(3) Assistance to victims of crime or delinquent acts in judicial proceedings;

(4) Assistance to victims of crime or delinquent acts under the operation of any political subdivision of the state or a branch of the criminal justice system set forth in division (B)(1), (2), or (3) of section ~~181.51~~ 109.98 of the Revised Code;

(5) Technical assistance to persons or organizations that provide services to victims of crime or delinquent acts under the operation of a branch of the criminal justice system set forth in divisions (B)(1), (2), and (3) of section ~~181.51~~ 109.98 of the Revised Code.

A victim assistance program does not include the program for the reparation of crime victims established pursuant to Chapter 2743. of the Revised Code.

Sec. ~~181.51~~ 109.98. As used in sections ~~181.51~~ 109.98 to ~~181.56~~ 109.985 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 1865
functions of the following: 1866

(a) The state highway patrol, county sheriff offices, 1867
municipal and township police departments, and all other law 1868
enforcement agencies; 1869

(b) The courts of appeals, courts of common pleas, municipal 1870
courts, county courts, and mayor's courts, when dealing with 1871
criminal cases; 1872

(c) The prosecuting attorneys, city directors of law, village 1873
solicitors, and other prosecuting authorities when prosecuting or 1874
otherwise handling criminal cases and the county and joint county 1875
public defenders and other public defender agencies or offices; 1876

(d) The department of rehabilitation and correction, 1877
probation departments, county and municipal jails and workhouses, 1878
and any other department, agency, or facility that is concerned 1879
with the rehabilitation or correction of criminal offenders; 1880

(e) Any public or private agency whose purposes include the 1881
prevention of crime or the diversion, adjudication, detention, or 1882
rehabilitation of criminal offenders; 1883

(f) Any public or private agency, the purposes of which 1884
include assistance to crime victims or witnesses. 1885

(2) The inclusion of any public or private agency, the 1886
purposes of which include assistance to crime victims or 1887
witnesses, as part of the criminal justice system pursuant to 1888
division (B)(1) of this section does not limit, and shall not be 1889
construed as limiting, the discretion or authority of the attorney 1890
general with respect to crime victim assistance and criminal 1891
justice programs. 1892

(C) "Juvenile justice system" includes all of the functions 1893
of the juvenile courts, the department of youth services, any 1894

public or private agency whose purposes include the prevention of 1895
delinquency or the diversion, adjudication, detention, or 1896
rehabilitation of delinquent children, and any of the functions of 1897
the criminal justice system that are applicable to children. 1898

(D) "Comprehensive plan" means a document that coordinates, 1899
evaluates, and otherwise assists, on an annual or multi-year 1900
basis, any of the functions of the criminal and juvenile justice 1901
systems of the state or a specified area of the state, that 1902
conforms to the priorities of the state with respect to criminal 1903
and juvenile justice systems, and that conforms with the 1904
requirements of all federal criminal justice acts. These functions 1905
may include, but are not limited to, any of the following: 1906

(1) Crime and delinquency prevention; 1907

(2) Identification, detection, apprehension, and detention of 1908
persons charged with criminal offenses or delinquent acts; 1909

(3) Assistance to crime victims or witnesses, except that the 1910
comprehensive plan does not include the functions of the attorney 1911
general pursuant to sections 109.91 and 109.92 of the Revised 1912
Code; 1913

(4) Adjudication or diversion of persons charged with 1914
criminal offenses or delinquent acts; 1915

(5) Custodial treatment of criminal offenders , delinquent 1916
children, or both; 1917

(6) Institutional and noninstitutional rehabilitation of 1918
criminal offenders, delinquent children, or both. 1919

(E) "Metropolitan county criminal justice services agency" 1920
means an agency that is established pursuant to division (A) of 1921
section ~~181.54~~ 109.983 of the Revised Code. 1922

(F) "Administrative planning district" means a district that 1923
is established pursuant to division (A) or (B) of section ~~181.56~~ 1924

109.985 of the Revised Code. 1925

(G) "Criminal justice coordinating council" means a criminal 1926
justice services agency that is established pursuant to division 1927
(D) of section ~~181.56~~ 109.985 of the Revised Code. 1928

(H) "Local elected official" means any person who is a member 1929
of a board of county commissioners or township trustees or of a 1930
city or village council, judge of the court of common pleas, a 1931
municipal court, or a county court, sheriff, county coroner, 1932
prosecuting attorney, city director of law, village solicitor, or 1933
mayor. 1934

(I) "Juvenile justice coordinating council" means a juvenile 1935
justice services agency that is established pursuant to division 1936
(D) of section ~~181.56~~ 109.985 of the Revised Code. 1937

Sec. ~~181.52~~ 109.981. (A) There is hereby created ~~an~~ in the 1938
office of the attorney general a bureau of criminal justice 1939
services. The ~~governor~~ attorney general shall appoint a ~~director~~ 1940
superintendent of the ~~office~~ bureau, and the ~~director~~ 1941
superintendent may appoint, within the ~~office~~ bureau, any 1942
professional and technical personnel and other employees that are 1943
necessary to enable the ~~office~~ bureau to comply with sections 1944
~~181.51~~ 109.98 to ~~181.56~~ 109.985 of the Revised Code. The ~~director~~ 1945
superintendent and the assistant ~~director~~ superintendent of the 1946
~~office~~ bureau, and all professional and technical personnel 1947
employed within the ~~office~~ bureau who are not public employees as 1948
defined in section 4117.01 of the Revised Code, shall be in the 1949
unclassified civil service, and all other persons employed within 1950
the ~~office~~ bureau shall be in the classified civil service. The 1951
~~director~~ superintendent may enter into any contracts, except 1952
contracts governed by Chapter 4117. of the Revised Code, that are 1953
necessary for the operation of the ~~office~~ bureau. 1954

(B) Subject to division (E) of this section and subject to 1955

divisions (D) to (F) of section 5120.09 of the Revised Code	1956
insofar as those divisions relate to federal criminal justice acts	1957
that the governor requires the department of rehabilitation and	1958
correction to administer, the office <u>bureau</u> of criminal justice	1959
services shall do all of the following:	1960
(1) Serve as the state criminal justice services agency and	1961
perform criminal justice system planning in the state, including	1962
any planning that is required by any federal law;	1963
(2) Collect, analyze, and correlate information and data	1964
concerning the criminal justice system in the state;	1965
(3) Cooperate with and provide technical assistance to state	1966
departments, administrative planning districts, metropolitan	1967
county criminal justice services agencies, criminal justice	1968
coordinating councils, agencies, offices, and departments of the	1969
criminal justice system in the state, and other appropriate	1970
organizations and persons;	1971
(4) Encourage and assist agencies, offices, and departments	1972
of the criminal justice system in the state and other appropriate	1973
organizations and persons to solve problems that relate to the	1974
duties of the office <u>bureau</u> ;	1975
(5) Administer within the state any federal criminal justice	1976
acts that the governor <u>attorney general</u> requires it to administer;	1977
(6) Administer funds received under the "Family Violence	1978
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.	1979
10401, as amended, with all powers necessary for the adequate	1980
administration of those funds, including the authority to	1981
establish a family violence prevention and services program.	1982
(7) Implement the state comprehensive plans;	1983
(8) Audit grant activities of agencies, offices,	1984
organizations, and persons that are financed in whole or in part	1985

by funds granted through the office <u>bureau</u> ;	1986
(9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the office <u>bureau</u> ;	1987 1988 1989
(10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice 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.	1990 1991 1992 1993 1994 1995 1996 1997 1998 1999
(11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office <u>bureau</u> ;	2000 2001 2002
(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;	2003 2004 2005
(13) Advise the general assembly and governor <u>attorney general</u> on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;	2006 2007 2008 2009
(14) Prepare and recommend legislation to the general assembly and governor <u>attorney general</u> for the improvement of the criminal and juvenile justice systems in the state;	2010 2011 2012
(15) Assist, advise, and make any reports that are requested or required by the governor, attorney general, or general assembly;	2013 2014 2015

(16) Adopt rules pursuant to Chapter 119. of the Revised Code.	2016 2017
(C) Upon the request of the governor <u>attorney general</u> , the office <u>bureau</u> of criminal justice services may do any of the following:	2018 2019 2020
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	2021 2022
(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;	2023 2024 2025 2026 2027 2028
(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 <u>bureau</u> .	2029 2030 2031 2032
(D) Divisions (B) and (C) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.	2033 2034 2035
(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.	2036 2037 2038
Sec. 181.53 <u>109.982</u>. The governor <u>attorney general</u> may appoint any advisory committees to assist the office <u>bureau</u> of criminal justice services that he <u>the attorney general</u> considers appropriate or that are required under any state or federal law.	2039 2040 2041 2042
Sec. 181.54 <u>109.983</u>. (A) A county may enter into an agreement with the largest city within the county to establish a	2043 2044

metropolitan county criminal justice services agency, if the 2045
population of the county exceeds five hundred thousand or the 2046
population of the city exceeds two hundred fifty thousand. 2047

(B) A metropolitan county criminal justice services agency 2048
shall do all of the following: 2049

(1) Accomplish criminal and juvenile justice systems planning 2050
within its services area; 2051

(2) Collect, analyze, and correlate information and data 2052
concerning the criminal and juvenile justice systems within its 2053
services area; 2054

(3) Cooperate with and provide technical assistance to all 2055
criminal and juvenile justice agencies and systems and other 2056
appropriate organizations and persons within its services area; 2057

(4) Encourage and assist agencies of the criminal and 2058
juvenile justice systems and other appropriate organizations and 2059
persons to solve problems that relate to its duties; 2060

(5) Administer within its services area any federal criminal 2061
justice acts or juvenile justice acts that the ~~office~~ bureau of 2062
criminal justice services pursuant to section 5139.11 of the 2063
Revised Code or the department of youth services administers 2064
within the state; 2065

(6) Implement the comprehensive plans for its services area; 2066

(7) Monitor or evaluate, within its services area, the 2067
performance of the criminal and juvenile justice systems projects 2068
and programs that are financed in whole or in part by funds 2069
granted through it; 2070

(8) Apply for, allocate, and disburse grants that are made 2071
available pursuant to any federal criminal justice acts, or 2072
pursuant to any other federal, state, or private sources for the 2073
purpose of improving the criminal and juvenile justice systems; 2074

(9) Contract with federal, state, and local agencies, 2075
foundations, corporations, and other businesses or persons to 2076
carry out the duties of the agency. 2077

Sec. ~~181.55~~ 109.984. (A)(1) When funds are available for 2078
criminal justice purposes pursuant to section ~~181.54~~ 109.983 of 2079
the Revised Code, the ~~office~~ bureau of criminal justice services 2080
shall provide funds to metropolitan county criminal justice 2081
services agencies for the purpose of developing, coordinating, 2082
evaluating, and implementing comprehensive plans within their 2083
respective counties. The ~~office~~ bureau of criminal justice 2084
services shall provide funds to an agency only if it complies with 2085
the conditions of division (B) of this section. 2086

(2) When funds are available for juvenile justice purposes 2087
pursuant to section ~~181.54~~ 109.983 of the Revised Code, the 2088
department of youth services shall provide funds to metropolitan 2089
county criminal justice services agencies for the purpose of 2090
developing, coordinating, evaluating, and implementing 2091
comprehensive plans within their respective counties. The 2092
department shall provide funds to an agency only if it complies 2093
with the conditions of division (B) of this section. 2094

(B) A metropolitan county criminal justice services agency 2095
shall do all of the following: 2096

(1) Submit, in a form that is acceptable to the ~~office~~ bureau 2097
of criminal justice services or the department of youth services 2098
pursuant to section 5139.01 of the Revised Code, a comprehensive 2099
plan for the county; 2100

(2) Establish a metropolitan county criminal justice services 2101
supervisory board whose members shall include a majority of the 2102
local elected officials in the county and representatives from law 2103
enforcement agencies, courts, prosecuting authorities, public 2104

defender agencies, rehabilitation and correction agencies, 2105
community organizations, juvenile justice services agencies, 2106
professionals, and private citizens in the county, and that shall 2107
have the authority set forth in division (C) of this section; 2108

(3) Organize in the manner provided in sections 167.01 to 2109
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 2110
unless the board created pursuant to division (B)(2) of this 2111
section organizes pursuant to these sections. 2112

(C) A metropolitan county criminal justice services 2113
supervisory board shall do all of the following: 2114

(1) Exercise leadership in improving the quality of the 2115
criminal and juvenile justice systems in the county; 2116

(2) Review, approve, and maintain general oversight of the 2117
comprehensive plans for the county and the implementation of the 2118
plans; 2119

(3) Review and comment on the overall needs and 2120
accomplishments of the criminal and juvenile justice systems in 2121
the county; 2122

(4) Establish, as required to comply with this division, task 2123
forces, ad hoc committees, and other committees, whose members 2124
shall be appointed by the chairperson of the board; 2125

(5) Establish any rules that the board considers necessary 2126
and that are consistent with the federal criminal justice acts and 2127
section ~~181.52~~ 109.981 of the Revised Code. 2128

Sec. ~~181.56~~ 109.985. (A) In counties in which a metropolitan 2129
county criminal justice services agency does not exist, the ~~office~~ 2130
bureau of criminal justice services shall discharge the ~~office's~~ 2131
bureau's duties that the ~~governor~~ attorney general requires it to 2132
administer by establishing administrative planning districts for 2133
criminal justice programs. An administrative planning district 2134

shall contain a group of contiguous counties in which no county 2135
has a metropolitan county criminal justice services agency. 2136

(B) In counties in which a metropolitan county criminal 2137
justice services agency does not exist, the department of youth 2138
services shall discharge pursuant to section 5139.11 of the 2139
Revised Code the department's duty by establishing administrative 2140
planning districts for juvenile justice programs. 2141

(C) All administrative planning districts shall contain a 2142
group of contiguous counties in which no county has a metropolitan 2143
county criminal justice services agency. 2144

(D) Any county or any combination of contiguous counties 2145
within an administrative planning district may form a criminal 2146
justice coordinating council or a juvenile justice coordinating 2147
council for its respective programs, if the county or the group of 2148
counties has a total population in excess of two hundred fifty 2149
thousand. The council shall comply with the conditions set forth 2150
in divisions (B) and (C) of section ~~181.55~~ 109.984 of the Revised 2151
Code, and exercise within its jurisdiction the powers and duties 2152
set forth in division (B) of section ~~181.54~~ 109.983 of the Revised 2153
Code. 2154

Sec. 117.45. (A) The auditor of state shall draw warrants 2155
against the treasurer of state pursuant to all requests for 2156
payment that the director of budget and management has approved 2157
under section 126.07 of the Revised Code. 2158

(B) Unless the director of job and family services has 2159
provided for the making of payments by electronic benefit 2160
transfer, if a financial institution and account have been 2161
designated by the participant or recipient, payment by the auditor 2162
of state to a participant in the Ohio works first program pursuant 2163
to Chapter 5107. of the Revised Code or a recipient of disability 2164
financial assistance pursuant to Chapter 5115. of the Revised Code 2165

shall be made by direct deposit to the account of the participant 2166
or recipient in the financial institution. Payment by the auditor 2167
of state to a recipient of benefits distributed through the medium 2168
of electronic benefit transfer pursuant to section 5101.33 of the 2169
Revised Code shall be by electronic benefit transfer. Payment by 2170
the auditor of state as compensation to an employee of the state 2171
who has, pursuant to section 124.151 of the Revised Code, 2172
designated a financial institution and account for the direct 2173
deposit of such payments shall be made by direct deposit to the 2174
account of the employee. Payment to any other payee who has 2175
designated a financial institution and account for the direct 2176
deposit of such payment may be made by direct deposit to the 2177
account of the payee in the financial institution as provided in 2178
section 9.37 of the Revised Code. The auditor of state shall 2179
contract with an authorized financial institution for the services 2180
necessary to make direct deposits or electronic benefit transfers 2181
under this division and draw lump sum warrants payable to that 2182
institution in the amount to be transferred. Accounts maintained 2183
by the auditor of state or the auditor of state's agent in a 2184
financial institution for the purpose of effectuating payment by 2185
direct deposit or electronic benefit transfer shall be maintained 2186
in accordance with section 135.18 of the Revised Code. 2187

(C) All other payments from the state treasury shall be made 2188
by paper warrants or by direct deposit payable to the respective 2189
payees. The auditor of state may mail the paper warrants to the 2190
respective payees or distribute them through other state agencies, 2191
whichever the auditor of state determines to be the better 2192
procedure. 2193

(D) If the average per transaction cost the auditor of state 2194
incurs in making direct deposits for a state agency exceeds the 2195
average per transaction cost the auditor of state incurs in 2196
drawing paper warrants for all public offices during the same 2197

period of time, the auditor of state may certify the difference in 2198
cost and the number of direct deposits for the agency to the 2199
director of administrative services. The director shall reimburse 2200
the auditor of state for such additional costs and add the amount 2201
to the processing charge assessed upon the state agency. 2202

Sec. 121.04. Offices are created within the several 2203
departments as follows: 2204

In the department of commerce: 2205

Commissioner of securities; 2206

Superintendent of real estate and professional 2207
licensing;

Superintendent of financial institutions; 2208

Fire marshal; 2209

Superintendent of labor and worker safety; 2210

Beginning on July 1, 1997, 2211

Superintendent of liquor control; 2212

Superintendent of industrial compliance. 2213

In the department of administrative services: 2214

State architect and engineer; 2215

Equal employment opportunity coordinator. 2216

In the department of agriculture: 2217

Chiefs of divisions as follows: 2218

Administration; 2219

Animal industry; 2220

Dairy; 2221

Food safety; 2222

Plant industry; 2223

Markets; 2224

Meat inspection; 2225

Consumer analytical laboratory; 2226

Amusement ride safety; 2227

Enforcement;	2228
Weights and measures.	2229
In the department of natural resources:	2230
Chiefs of divisions as follows:	2231
Water;	2232
Mineral resources management;	2233
Forestry;	2234
Natural areas and preserves;	2235
Wildlife;	2236
Geological survey;	2237
Parks and recreation;	2238
Watercraft;	2239
Recycling and litter prevention;	2240
Civilian conservation;	2241
Soil and water conservation;	2242
Real estate and land management;	2243
Engineering.	2244
In the department of insurance:	2245
Deputy superintendent of insurance;	2246
Assistant superintendent of insurance, technical;	2247
Assistant superintendent of insurance, administrative;	2248
Assistant superintendent of insurance, research.	2249
Sec. 121.084. (A) All moneys collected under sections	2250
1333.96, 3783.05, 3791.07, 4104.07, 4104.18, 4104.42, 4104.44,	2251
4104.45, 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the	2252
Revised Code, and any other moneys collected by the division of	2253
industrial compliance shall be paid into the state treasury to the	2254
credit of the industrial compliance operating fund, which is	2255
hereby created. The department of commerce shall use the moneys in	2256
the fund for paying the operating expenses of the division and the	2257
administrative assessment described in division (B) of this	2258

section. 2259

(B) The director of commerce, with the approval of the 2260
director of budget and management, shall prescribe procedures for 2261
assessing the industrial compliance operating fund a proportionate 2262
share of the administrative costs of the department of commerce. 2263
The assessment shall be made in accordance with those procedures 2264
and be paid from the industrial compliance operating fund to the 2265
division of administration fund created in section 121.08 of the 2266
Revised Code. 2267

Sec. 121.62. (A) Each executive agency lobbyist and each 2268
employer shall file with the joint legislative ethics committee, 2269
within ten days following the engagement of an executive agency 2270
lobbyist, an initial registration statement showing all of the 2271
following: 2272

(1) The name, business address, and occupation of the 2273
executive agency lobbyist; 2274

(2) The name and business address of the employer or of the 2275
real party in interest on whose behalf the executive agency 2276
lobbyist is acting, if it is different from the employer. For the 2277
purposes of division (A) of this section, where a trade 2278
association or other charitable or fraternal organization that is 2279
exempt from federal income taxation under subsection 501(c) of the 2280
federal Internal Revenue Code is the employer, the statement need 2281
not list the names and addresses of every member of the 2282
association or organization, so long as the association or 2283
organization itself is listed. 2284

(3) A brief description of the executive agency decision to 2285
which the engagement relates; 2286

(4) The name of the executive agency or agencies to which the 2287
engagement relates. 2288

(B) In addition to the initial registration statement 2289
required by division (A) of this section, each executive agency 2290
lobbyist and employer shall file with the joint committee, not 2291
later than the last day of January, May, and September of each 2292
year, an updated registration statement that confirms the 2293
continuing existence of each engagement described in an initial 2294
registration statement and that lists the specific executive 2295
agency decisions that the lobbyist sought to influence under the 2296
engagement during the period covered by the updated statement, and 2297
with it any statement of expenditures required to be filed by 2298
section 121.63 of the Revised Code and any details of financial 2299
transactions required to be filed by section 121.64 of the Revised 2300
Code. 2301

(C) If an executive agency lobbyist is engaged by more than 2302
one employer, the lobbyist shall file a separate initial and 2303
updated registration statement for each engagement. If an employer 2304
engages more than one executive agency lobbyist, the employer need 2305
file only one updated registration statement under division (B) of 2306
this section, which shall contain the information required by 2307
division (B) of this section regarding all of the executive agency 2308
lobbyists engaged by the employer. 2309

(D)(1) A change in any information required by division 2310
(A)(1), (2), or (B) of this section shall be reflected in the next 2311
updated registration statement filed under division (B) of this 2312
section. 2313

(2) Within thirty days following the termination of an 2314
engagement, the executive agency lobbyist who was employed under 2315
the engagement shall send written notification of the termination 2316
to the joint committee. 2317

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2318
charged for filing an initial registration statement. All money 2319

collected from this fee shall be deposited into the ~~state treasury~~ 2320
~~to the credit of the joint legislative ethics committee fund~~ 2321
~~created under section 101.34 of the Revised Code~~ general revenue 2322
fund of the state. 2323

(F) Upon registration pursuant to this section, an executive 2324
agency lobbyist shall be issued a card by the joint committee 2325
showing that the lobbyist is registered. The registration card and 2326
the executive agency lobbyist's registration shall be valid from 2327
the date of their issuance until the thirty-first day of January 2328
of the year following the year in which the initial registration 2329
was filed. 2330

(G) The executive director of the joint committee shall be 2331
responsible for reviewing each registration statement filed with 2332
the joint committee under this section and for determining whether 2333
the statement contains all of the required information. If the 2334
joint committee determines that the registration statement does 2335
not contain all of the required information or that an executive 2336
agency lobbyist or employer has failed to file a registration 2337
statement, the joint committee shall send written notification by 2338
certified mail to the person who filed the registration statement 2339
regarding the deficiency in the statement or to the person who 2340
failed to file the registration statement regarding the failure. 2341
Any person so notified by the joint committee shall, not later 2342
than fifteen days after receiving the notice, file a registration 2343
statement or an amended registration statement that contains all 2344
of the required information. If any person who receives a notice 2345
under this division fails to file a registration statement or such 2346
an amended registration statement within this fifteen-day period, 2347
the joint committee shall notify the attorney general, who may 2348
take appropriate action as authorized by section 121.69 of the 2349
Revised Code. 2350

If the joint committee notifies the attorney general pursuant 2351

to this division, the joint committee shall also notify each 2352
elected executive official and the director of each department 2353
created under section 121.02 of the Revised Code of the pending 2354
investigation. 2355

(H) On or before the fifteenth day of March of each year, the 2356
joint committee shall, in the manner and form that it determines, 2357
publish a report containing statistical information on the 2358
registration statements filed with it under this section during 2359
the preceding year. 2360

(I) If an employer who engages an executive agency lobbyist 2361
is the recipient of a contract, grant, lease, or other financial 2362
arrangement pursuant to which funds of the state or of an 2363
executive agency are distributed or allocated, the executive 2364
agency or any aggrieved party may consider the failure of the 2365
employer or the executive agency lobbyist to comply with this 2366
section as a breach of a material condition of the contract, 2367
grant, lease, or other financial arrangement. 2368

(J) Executive agency officials may require certification from 2369
any person seeking the award of a contract, grant, lease, or 2370
financial arrangement that the person and ~~his~~ the person's 2371
employer are in compliance with this section. 2372

Sec. 122.011. (A) The department of development shall develop 2373
and promote plans and programs designed to assure that state 2374
resources are efficiently used, economic growth is properly 2375
balanced, community growth is developed in an orderly manner, and 2376
local governments are coordinated with each other and the state, 2377
and for such purposes may do all of the following: 2378

(1) Serve as a clearinghouse for information, data, and other 2379
materials that may be helpful or necessary to persons or local 2380
governments, as provided in section 122.07 of the Revised Code; 2381

(2) Prepare and activate plans for the retention,	2382
development, expansion, and use of the resources and commerce of	2383
the state, as provided in section 122.04 of the Revised Code;	2384
(3) Assist and cooperate with federal, state, and local	2385
governments and agencies of federal, state, and local governments	2386
in the coordination of programs to carry out the functions and	2387
duties of the department;	2388
(4) Encourage and foster research and development activities,	2389
conduct studies related to the solution of community problems, and	2390
develop recommendations for administrative or legislative actions,	2391
as provided in section 122.03 of the Revised Code;	2392
(5) Serve as the economic and community development planning	2393
agency, which shall prepare and recommend plans and programs for	2394
the orderly growth and development of this state and which shall	2395
provide planning assistance, as provided in section 122.06 of the	2396
Revised Code;	2397
(6) Cooperate with and provide technical assistance to state	2398
departments, political subdivisions, regional and local planning	2399
commissions, tourist associations, councils of government,	2400
community development groups, community action agencies, and other	2401
appropriate organizations for carrying out the functions and	2402
duties of the department or for the solution of community	2403
problems;	2404
(7) Coordinate the activities of state agencies that have an	2405
impact on carrying out the functions and duties of the department;	2406
(8) Encourage and assist the efforts of and cooperate with	2407
local governments to develop mutual and cooperative solutions to	2408
their common problems that relate to carrying out the purposes of	2409
this section;	2410
(9) Study existing structure, operations, and financing of	2411

regional or local government and those state activities that 2412
involve significant relations with regional or local governmental 2413
units, recommend to the governor and to the general assembly such 2414
changes in these provisions and activities as will improve the 2415
operations of regional or local government, and conduct other 2416
studies of legal provisions that affect problems related to 2417
carrying out the purposes of this section; 2418

(10) Appoint, with the approval of the governor, technical 2419
and other advisory councils as it considers appropriate, as 2420
provided in section 122.09 of the Revised Code; 2421

(11) Create and operate a division of community development 2422
to develop and administer programs and activities that are 2423
authorized by federal statute or the Revised Code; 2424

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 2425
charges, in consultation with the director of agriculture, for 2426
purchasing loans from financial institutions and providing loan 2427
guarantees under the family farm loan program created under 2428
sections 901.80 to 901.83 of the Revised Code; 2429

(13) Provide loan servicing for the loans purchased and loan 2430
guarantees provided under section 901.80 of the Revised Code as 2431
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2432

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2433
by the controlling board under division (A)(3) of section 901.82 2434
of the Revised Code of the release of money to be used for 2435
purchasing a loan or providing a loan guarantee, request the 2436
release of that money in accordance with division (B) of section 2437
166.03 of the Revised Code for use for the purposes of the fund 2438
created by section 166.031 of the Revised Code. 2439

(B) The director of development may request the attorney 2440
general to, and the attorney general, in accordance with section 2441
109.02 of the Revised Code, shall bring a civil action in any 2442

court of competent jurisdiction. The director may be sued in the 2443
director's official capacity, in connection with this chapter, in 2444
accordance with Chapter 2743. of the Revised Code. 2445

Sec. 122.04. The department of development shall do the 2446
following: 2447

(A) Maintain a continuing evaluation of the sources available 2448
for the retention, development, or expansion of industrial and 2449
commercial facilities in this state through both public and 2450
private agencies; 2451

(B) Assist public and private agencies in obtaining 2452
information necessary to evaluate the desirability of the 2453
retention, construction, or expansion of industrial and commercial 2454
facilities in the state; 2455

(C) Facilitate contracts between community improvement 2456
corporations organized under Chapter 1724. of the Revised Code or 2457
Ohio development corporations organized under Chapter 1726. of the 2458
Revised Code and industrial and commercial concerns seeking to 2459
locate or expand in ~~Ohio~~ the state; 2460

(D) Upon request, consult with public agencies or authorities 2461
in the preparation of studies of human and economic needs or 2462
advantages relating to economic and community development; 2463

(E) Encourage, promote, and assist trade and commerce between 2464
this state and foreign nations; 2465

(F) Promote and encourage persons to visit and travel within 2466
this state; 2467

(G) Maintain membership in the national association of state 2468
development agencies; 2469

(H) Assist in the development of facilities and technologies 2470
that will lead to increased, environmentally sound use of Ohio 2471
coal; 2472

(I) Promote economic growth in the state. 2473

Sec. 122.08. (A) There is hereby created within the 2474
department of development an office to be known as the office of 2475
small business. The office shall be under the supervision of a 2476
manager appointed by the director of development. 2477

(B) The office shall do all of the following: 2478

(1) Act as liaison between the small business community and 2479
state governmental agencies; 2480

(2) Furnish information and technical assistance to persons 2481
and small businesses concerning the establishment and maintenance 2482
of a small business, and concerning state laws and rules relevant 2483
to the operation of a small business. In conjunction with these 2484
duties, the office shall keep a record of all state agency rules 2485
affecting individuals, small businesses, or small organizations, 2486
as defined in section 121.24 of the Revised Code, and may testify 2487
before the joint committee on agency rule review concerning any 2488
proposed rule affecting individuals, small businesses, or small 2489
organizations. 2490

(3) Prepare and publish the small business register under 2491
section 122.081 of the Revised Code; 2492

(4) Receive complaints from small businesses concerning 2493
governmental activity, compile and analyze those complaints, and 2494
periodically make recommendations to the governor and the general 2495
assembly on changes in state laws or agency rules needed to 2496
eliminate burdensome and unproductive governmental regulation to 2497
improve the economic climate within which small businesses 2498
operate; 2499

(5) Receive complaints or questions from small businesses and 2500
direct ~~such~~ those businesses to the appropriate governmental 2501
agency. If, within a reasonable period of time, a complaint is not 2502

satisfactorily resolved or a question is not satisfactorily 2503
answered, the office shall, on behalf of the small business, make 2504
every effort to secure a satisfactory result. For this purpose, 2505
the office may consult with any state governmental agency and may 2506
make any suggestion or request that seems appropriate. 2507

(6) Utilize, to the maximum extent possible, the printed and 2508
electronic media to disseminate information of current concern and 2509
interest to the small business community and to make known to 2510
small businesses the services available through the office. The 2511
office shall publish such books, pamphlets, and other printed 2512
materials, and shall participate in such trade association 2513
meetings, conventions, fairs, and other meetings involving the 2514
small business community, as the manager considers appropriate. 2515

(7) Prepare for inclusion in the department of development's 2516
annual report to the governor and general assembly, a description 2517
of the activities of the office and a report of the number of 2518
rules affecting individuals, small businesses, and small 2519
organizations that were filed with the office under division 2520
(B)(2) of section 121.24 of the Revised Code, during the preceding 2521
calendar year; 2522

(8) Operate the Ohio ~~one-stop business permit center~~ 2523
first-stop business connection to assist individuals in 2524
identifying and preparing applications for business licenses, 2525
permits, and certificates and to serve as the central public 2526
distributor for all forms, applications, and other information 2527
related to business licensing. Each state agency, board, and 2528
commission shall cooperate in providing assistance, information, 2529
and materials to enable the ~~center~~ connection to perform its 2530
duties under this division ~~(B)(8) of this section.~~ 2531

(C) The office ~~of small business~~ may, upon the request of a 2532
state agency, assist the agency with the preparation of any rule 2533
that will affect individuals, small businesses, or small 2534

organizations.	2535
(D) The director of development shall assign such employees	2536
and furnish such equipment and supplies to the office as the	2537
director considers necessary for the proper performance of the	2538
duties assigned to the office.	2539
Sec. 122.25. (A) In administering the program established	2540
under section 122.24 of the Revised Code, the director of	2541
development shall do all of the following:	2542
(1) Annually designate, by the first day of January of each	2543
year, the entities that constitute the eligible areas in this	2544
state as defined in section 122.23 of the Revised Code;	2545
(2) Inform local governments and others in the state of the	2546
availability of the program and financial assistance established	2547
under sections 122.23 to 122.27 of the Revised Code;	2548
(3) Report to the governor, president of the senate, speaker	2549
of the house of representatives, and minority leaders of the	2550
senate and the house of representatives by the thirtieth day of	2551
June of each year on the activities carried out under the program	2552
during the preceding calendar year. The report shall include the	2553
number of loans made that year and the amount and recipient of	2554
each loan.	2555
(4) Work in conjunction with conventional lending	2556
institutions, local revolving loan funds, private investors, and	2557
other private and public financing sources to provide loans or	2558
loan guarantees to eligible applicants;	2559
(5) Establish fees, charges, interest rates, payment	2560
schedules, local match requirements, and other terms and	2561
conditions for loans and loan guarantees provided under the loan	2562
program created by section 122.24 of the Revised Code;	2563
(6) Require each applicant to demonstrate the suitability of	2564

any site for the assistance sought; that the site has been 2565
surveyed, has adequate or available utilities, and that there are 2566
no zoning restrictions, environmental regulations, or other 2567
matters impairing the use of the site for the purpose intended; 2568

(7) Require each applicant to provide a marketing plan and 2569
management strategy for the project; 2570

(8) Adopt rules in accordance with Chapter 119. of the 2571
Revised Code establishing all of the following: 2572

(a) Forms and procedures by which eligible applicants may 2573
apply for assistance; 2574

(b) Criteria for reviewing, evaluating, and ranking 2575
applications, and for approving applications that best serve the 2576
goals of the program; 2577

(c) Reporting requirements and monitoring procedures; 2578

(d) Guidelines regarding situations in which industrial parks 2579
would be considered to compete against one another for the 2580
purposes of division (B)(2) of section 122.27 of the Revised Code; 2581

(e) Any other rules necessary to implement and administer the 2582
program created by section 122.24 of the Revised Code. 2583

(B) The director may adopt rules in accordance with Chapter 2584
119. of the Revised Code establishing requirements governing the 2585
use of any industrial park site receiving assistance under section 2586
122.24 of the Revised Code, such that a certain portion of the 2587
site must be used for manufacturing, distribution, high 2588
technology, research and development, or other businesses wherein 2589
a majority of the product or service produced is exported out of 2590
the state. 2591

(C) As a condition to receiving assistance under section 2592
122.24 of the Revised Code, and except as provided in division (D) 2593
of this section, an applicant must agree, for a period of five 2594

years, not to permit the use of a site that is developed or 2595
improved with such assistance to cause the relocation of jobs to 2596
that site from elsewhere in Ohio. 2597

(D) A site developed or improved with assistance under 2598
section 122.24 of the Revised Code may be the site of jobs 2599
relocated from elsewhere in Ohio if the director of development 2600
does all of the following: 2601

(1) Makes a written determination that the site from which 2602
the jobs would be relocated is inadequate to meet market or 2603
industry conditions, expansion plans, consolidation plans, or 2604
other business considerations affecting the relocating employer; 2605

(2) Provides a copy of the determination required by division 2606
(D)(1) of this section to the members of the general assembly 2607
whose legislative districts include the site from which the jobs 2608
would be relocated, ~~and to the joint legislative committee on tax~~ 2609
~~incentives;~~ 2610

(3) Determines that the governing body of the area from which 2611
the jobs would be relocated has been notified in writing by the 2612
relocating company of the possible relocation. 2613

(E) The director of development must obtain the approval of 2614
the controlling board for any loan or loan guarantee provided 2615
under sections 122.23 to 122.27 of the Revised Code. 2616

Sec. 122.651. (A) There is hereby created the clean Ohio 2617
council consisting of the director of development or the 2618
director's designee, the director of environmental protection or 2619
the director's designee, the lieutenant governor or the lieutenant 2620
governor's designee, the director of the Ohio public works 2621
commission as a nonvoting, ex officio member, one member of the 2622
majority party of the senate and one member of the minority party 2623
of the senate to be appointed by the president of the senate, one 2624

member of the majority party of the house of representatives and 2625
one member of the minority party of the house of representatives 2626
to be appointed by the speaker of the house of representatives, 2627
and seven members to be appointed by the governor with the advice 2628
and consent of the senate. Of the members appointed by the 2629
governor, one shall represent the interests of counties, one shall 2630
represent the interests of townships, one shall represent the 2631
interests of municipal corporations, two shall represent the 2632
interests of business and development, and two shall represent 2633
statewide environmental advocacy organizations. The members 2634
appointed by the governor shall reflect the demographic and 2635
economic diversity of the population of the state. Additionally, 2636
the governor's appointments shall represent all areas of the 2637
state. All appointments to the council shall be made not later 2638
than one hundred twenty days after July 26, 2001. 2639

(B) The members appointed by the president of the senate and 2640
speaker of the house of representatives shall serve at the 2641
pleasure of their appointing authorities. Of the initial members 2642
appointed by the governor to the clean Ohio council, four shall be 2643
appointed for two years and three shall be appointed for one year. 2644
Thereafter, terms of office for members appointed by the governor 2645
shall be for two years, with each term ending on the same day of 2646
the same month as did the term that it succeeds. Each of those 2647
members shall hold office from the date of appointment until the 2648
end of the term for which the member is appointed. 2649

Members may be reappointed. Vacancies shall be filled in the 2650
same manner as provided for original appointments. Any member 2651
appointed to fill a vacancy occurring prior to the expiration date 2652
of the term for which the member was appointed shall hold office 2653
for the remainder of that term. A member shall continue in office 2654
after the expiration date of the member's term until the member's 2655
successor takes office or until a period of sixty days has 2656

elapsed, whichever occurs first. The governor may remove a member 2657
appointed by the governor for misfeasance, nonfeasance, or 2658
malfeasance in office. 2659

(C) The ~~director of development~~ governor shall appoint a 2660
member of the clean Ohio council to serve as the chairperson of 2661
the ~~clean Ohio~~ council. The director of development shall serve as 2662
the vice-chairperson of the council unless appointed chairperson. 2663
If the director is appointed chairperson, the council annually 2664
shall select from among its members a vice-chairperson to serve 2665
while the director is chairperson. The council annually shall 2666
select from among its members ~~a vice chairperson and~~ a secretary 2667
to keep a record of its proceedings. A majority vote of a quorum 2668
of the members of the council is necessary to take action on any 2669
matter. The council may adopt bylaws governing its operation, 2670
including bylaws that establish the frequency of meetings, 2671
procedures for reviewing eligible projects under sections 122.65 2672
to 122.658 of the Revised Code and policies and requirements 2673
established under section 122.657 of the Revised Code, and other 2674
necessary procedures. 2675

(D) Members of the clean Ohio council shall be deemed to be 2676
public officials or officers only for the purposes of section 9.86 2677
and Chapters 102. and 2921. of the Revised Code. Serving as a 2678
member of the clean Ohio council does not constitute holding a 2679
public office or position of employment so as to constitute 2680
grounds for removal of public officers or employees serving as 2681
members of the council from their offices or positions of 2682
employment. Members of the council shall file with the Ohio ethics 2683
commission the disclosure statement described in division (A) of 2684
section 102.02 of the Revised Code on the form prescribed by the 2685
commission and be subject to divisions (C) and (D) of that 2686
section. Members of the council shall serve without compensation 2687
for attending council meetings, but shall receive their actual and 2688

necessary traveling and other expenses incurred in the performance 2689
of their official duties in accordance with the rules of the 2690
office of budget and management. 2691

(E) Members appointed by the governor to represent the 2692
interests of counties, townships, and municipal corporations do 2693
not have a conflict of interest by virtue of their service in the 2694
position. For the purposes of this division, "conflict of 2695
interest" means the taking of any action as a member of the 2696
council that affects a public agency the person serves as an 2697
officer or employee. 2698

(F) The department of development shall provide office space 2699
for the council. The council shall be assisted in its duties by 2700
the staff of the department of development and the environmental 2701
protection agency. 2702

(G) Sections 101.82 to 101.87 of the Revised Code do not 2703
apply to the clean Ohio council. 2704

Sec. 122.658. (A) The clean Ohio revitalization fund is 2705
hereby created in the state treasury. The fund shall consist of 2706
moneys credited to it pursuant to section 151.40 of the Revised 2707
Code. Moneys in the fund shall be used to make grants or loans for 2708
projects that have been approved by the clean Ohio council in 2709
accordance with section 122.653 of the Revised Code, except that 2710
the council annually shall devote twenty per cent of the net 2711
proceeds of obligations deposited in the clean Ohio revitalization 2712
fund for the purposes of section 122.656 of the Revised Code. 2713

Moneys in the clean Ohio revitalization fund may be used to 2714
pay reasonable costs incurred by the department of development and 2715
the environmental protection agency in administering sections 2716
122.65 to 122.658 of the Revised Code. All investment earnings of 2717
the fund shall be credited to the fund. ~~For two years after July~~ 2718
~~26, 2001, investment~~ Investment earnings credited to the clean 2719

Ohio revitalization fund may be used to pay costs incurred by the 2720
department of development and the environmental protection agency 2721
pursuant to sections 122.65 to 122.658 of the Revised Code. 2722

The department of development shall administer the clean Ohio 2723
revitalization fund in accordance with this section, policies and 2724
requirements established under section 122.657 of the Revised 2725
Code, and the terms of agreements entered into by the council 2726
under section 122.653 of the Revised Code. 2727

(B) Grants awarded and loans made under section 122.653 of 2728
the Revised Code shall provide not more than seventy-five per cent 2729
of the estimated total cost of a project. A grant or loan to any 2730
one project shall not exceed three million dollars. An applicant 2731
shall provide at least twenty-five per cent of the estimated total 2732
cost of a project. The applicant's share may consist of one or a 2733
combination of any of the following: 2734

(1) Payment of the cost of acquiring the property for the 2735
purposes of sections 122.65 to 122.658 of the Revised Code; 2736

(2) Payment of the reasonable cost of an assessment at the 2737
property; 2738

(3) The reasonable value, as determined by the council, of 2739
labor and materials that will be contributed by the applicant in 2740
performing the cleanup or remediation; 2741

(4) Moneys received by the applicant in any form for use in 2742
performing the cleanup or remediation; 2743

(5) Loans secured by the applicant for the purpose of the 2744
cleanup or remediation of the brownfield. 2745

Costs that were incurred more than two years prior to the 2746
submission of an application to the clean Ohio council for the 2747
acquisition of property, assessments, and labor and materials 2748
shall not be used as part of the applicant's matching share. 2749

(C) The department of development shall not make any payment 2750
to an applicant from the clean Ohio revitalization fund to pay 2751
costs of the applicant that were not included in an application 2752
for a grant or loan under section 122.653 of the Revised Code or 2753
that exceed the amount of the estimated total cost of the project 2754
included in the application. If, upon completion of a project, the 2755
costs of the project are less than the amounts included in the 2756
application, the amounts included in the application less the 2757
amounts of the actual costs of the project shall be credited to 2758
the clean Ohio revitalization fund. However, the amounts credited 2759
shall be equivalent in percentage to the percentage of the costs 2760
of the project that were to be funded by the grant or loan from 2761
the fund. 2762

(D) Grants awarded or loans made under section 122.653 of the 2763
Revised Code from the clean Ohio revitalization fund shall be used 2764
by an applicant only to pay the costs of the actual cleanup or 2765
remediation of a brownfield and shall not be used by an applicant 2766
to pay any administrative costs incurred by the applicant. Costs 2767
related to the use of a certified professional for purposes of 2768
section 122.654 of the Revised Code are not administrative costs 2769
and may be paid with moneys from grants awarded or loans made 2770
under section 122.653 of the Revised Code. 2771

(E) The portion of net proceeds of obligations devoted under 2772
division (A) of this section for the purposes of section 122.656 2773
of the Revised Code shall be used to make grants for assessments, 2774
cleanup or remediation of brownfields, and public health projects 2775
that have been approved by the director of development under that 2776
section. The department of development shall administer section 2777
122.656 of the Revised Code in accordance with this section, 2778
policies and requirements established under section 122.657 of the 2779
Revised Code, and the terms of agreements entered into by the 2780
director under section 122.656 of the Revised Code. The director 2781

shall not grant more than twenty-five million dollars for public health projects under section 122.656 of the Revised Code.

(F) Grants awarded under section 122.656 of the Revised Code shall be used by an applicant only to pay the costs of actually conducting an assessment, a cleanup or remediation of a brownfield, or a public health project and shall not be used by an applicant to pay any administrative costs incurred by the applicant. Costs related to the use of a certified professional for purposes of section 122.654 of the Revised Code are not administrative costs and may be paid with moneys from grants awarded under section 122.656 of the Revised Code.

(G)(1) The clean Ohio revitalization revolving loan fund is hereby created in the state treasury. Payments of principal and interest on loans made from the clean Ohio revitalization fund shall be credited to this revolving loan fund, as shall payments of principal and interest on loans made from the revolving loan fund itself. The revolving loan fund's investment earnings shall be credited to it.

(2) The clean Ohio revitalization revolving loan fund shall be used to make loans for the same purposes and subject to the same policies, requirements, criteria, and application procedures as loans made from the clean Ohio revitalization fund.

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code:

(A) "Surety company" means a company that is authorized by the department of insurance to issue bonds as surety.

(B) "Minority business" means any of the following occupations:

(1) Minority construction contractor;

(2) Minority seller;

(3) Minority service vendor.	2812
(C) "Minority construction contractor" means a person who is both a construction contractor and an owner of a minority business enterprise certified under division (B) of section 123.151 of the Revised Code.	2813 2814 2815 2816
(D) "Minority seller" means a person who is both a seller of goods and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under division (B) of section 125.08 of the Revised Code.	2817 2818 2819 2820
(E) "Minority service vendor" means a person who is both a vendor of services and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under division (B) of section 125.08 of the Revised Code.	2821 2822 2823 2824 2825
(F) "Minority business enterprise" has the meaning given in section 122.71 of the Revised Code.	2826 2827
<u>(G) "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under section 123.152 of the Revised Code.</u>	2828 2829 2830 2831 2832 2833
Sec. 122.88. (A) There is hereby created in the state treasury the minority business bonding fund, consisting of moneys deposited or credited to it pursuant to section 169.05 of the Revised Code; all grants, gifts, and contributions received pursuant to division (B)(9) of section 122.74 of the Revised Code; all moneys recovered following defaults; and any other moneys obtained by the director of development for the purposes of sections 122.87 to 122.89 <u>122.90</u> of the Revised Code. The fund	2834 2835 2836 2837 2838 2839 2840 2841

shall be administered by the director. Moneys in the fund shall be 2842
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 2843
of the Revised Code. 2844

(B) Any claims against the state arising from defaults shall 2845
be payable from the minority business bonding program 2846
administrative and loss reserve fund as provided in division (C) 2847
of this section or from the minority business bonding fund. 2848
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 2849
grants or pledges to any obligee or other person any state moneys 2850
other than the moneys in the minority business bonding program 2851
administrative and loss reserve fund or the minority business 2852
bonding fund, or moneys available to the minority business bonding 2853
fund upon request of the director in accordance with division (B) 2854
of section 169.05 of the Revised Code. 2855

(C) There is hereby created in the state treasury the 2856
minority business bonding program administrative and loss reserve 2857
fund, consisting of all premiums charged and collected in 2858
accordance with section 122.89 of the Revised Code and any 2859
interest income earned from the moneys in the minority business 2860
bonding fund. All expenses of the director and the minority 2861
development financing advisory board in carrying out the purposes 2862
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 2863
paid from the minority business bonding program administrative and 2864
loss reserve fund. 2865

Any moneys to the credit of the minority business bonding 2866
program administrative and loss reserve fund in excess of the 2867
amount necessary to fund the appropriation authority for the 2868
minority business bonding program administrative and loss reserve 2869
fund shall be held as a loss reserve to pay claims arising from 2870
defaults on surety bonds underwritten in accordance with section 2871
122.89 of the Revised Code or guaranteed in accordance with 2872
section 122.90 of the Revised Code. If the balance of funds in the 2873

minority business bonding program administrative and loss reserve 2874
fund is insufficient to pay a claim against the state arising from 2875
default, then such claim shall be payable from the minority 2876
business bonding fund. 2877

Sec. 122.90. (A) The director of development may guarantee 2878
bonds executed by sureties for minority businesses and EDGE 2879
business enterprises certified under section 123.152 of the 2880
Revised Code as principals on contracts with the state, any 2881
political subdivision or instrumentality, or any person as the 2882
obligee. The director, as guarantor, may exercise all the rights 2883
and powers of a company authorized by the department of insurance 2884
to guarantee bonds under Chapter 3929. of the Revised Code but 2885
otherwise is not subject to any laws related to a guaranty company 2886
under Title XXXIX of the Revised Code nor to any rules of the 2887
department of insurance. 2888

(B) The director shall adopt rules under Chapter 119. of the 2889
Revised Code to establish procedures for the application for bond 2890
guarantees and the review and approval of applications for bond 2891
guarantees submitted by sureties that execute bonds eligible for 2892
guarantees under division (A) of this section. 2893

(C) In accordance with rules adopted pursuant to this 2894
section, the director may guarantee up to ninety per cent of the 2895
loss incurred and paid by sureties on bonds guaranteed under 2896
division (A) of this section. 2897

(D) The penal sum amounts of all outstanding guarantees made 2898
by the director under this section shall not exceed three times 2899
the difference between the amount of moneys in the minority 2900
business bonding fund and available to the fund under division (B) 2901
of section 169.05 of the Revised Code and the amount of all 2902
outstanding bonds issued by the director in accordance with 2903
division (A) of section 122.89 of the Revised Code. 2904

Sec. 123.01. (A) The department of administrative services, 2905
in addition to those powers enumerated in Chapters 124. and 125. 2906
of the Revised Code, and as provided elsewhere by law, shall 2907
exercise the following powers: 2908

(1) To prepare, or contract to be prepared, by licensed 2909
engineers or architects, surveys, general and detailed plans, 2910
specifications, bills of materials, and estimates of cost for any 2911
projects, improvements, or public buildings to be constructed by 2912
state agencies that may be authorized by legislative 2913
appropriations or any other funds made available therefor, 2914
provided that the construction of the projects, improvements, or 2915
public buildings is a statutory duty of the department. This 2916
section does not require the independent employment of an 2917
architect or engineer as provided by section 153.01 of the Revised 2918
Code in the cases to which that section applies nor affect or 2919
alter the existing powers of the director of transportation. 2920

(2) To have general supervision over the construction of any 2921
projects, improvements, or public buildings constructed for a 2922
state agency and over the inspection of materials previous to 2923
their incorporation into those projects, improvements, or 2924
buildings; 2925

(3) To make contracts for and supervise the construction of 2926
any projects and improvements or the construction and repair of 2927
buildings under the control of a state agency, except contracts 2928
for the repair of buildings under the management and control of 2929
the departments of public safety, job and family services, mental 2930
health, mental retardation and developmental disabilities, 2931
rehabilitation and correction, and youth services, the bureau of 2932
workers' compensation, the rehabilitation services commission, and 2933
boards of trustees of educational and benevolent institutions. 2934
These contracts shall be made and entered into by the directors of 2935

public safety, job and family services, mental health, mental 2936
retardation and developmental disabilities, rehabilitation and 2937
correction, and youth services, the administrator of workers' 2938
compensation, the rehabilitation services commission, and the 2939
boards of trustees of such institutions, respectively. All such 2940
contracts may be in whole or in part on unit price basis of 2941
maximum estimated cost, with payment computed and made upon actual 2942
quantities or units. 2943

(4) To prepare and suggest comprehensive plans for the 2944
development of grounds and buildings under the control of a state 2945
agency; 2946

(5) To acquire, by purchase, gift, devise, lease, or grant, 2947
all real estate required by a state agency, in the exercise of 2948
which power the department may exercise the power of eminent 2949
domain, in the manner provided by sections 163.01 to 163.22 of the 2950
Revised Code; 2951

(6) To make and provide all plans, specifications, and models 2952
for the construction and perfection of all systems of sewerage, 2953
drainage, and plumbing for the state in connection with buildings 2954
and grounds under the control of a state agency; 2955

(7) To erect, supervise, and maintain all public monuments 2956
and memorials erected by the state, except where the supervision 2957
and maintenance is otherwise provided by law; 2958

(8) To procure, by lease, storage accommodations for a state 2959
agency; 2960

(9) To lease or grant easements or licenses for unproductive 2961
and unused lands or other property under the control of a state 2962
agency. Such leases, easements, or licenses shall be granted for a 2963
period not to exceed fifteen years and shall be executed for the 2964
state by the director of administrative services and the governor 2965
and shall be approved as to form by the attorney general, provided 2966

that leases, easements, or licenses may be granted to any county, 2967
township, municipal corporation, port authority, water or sewer 2968
district, school district, library district, health district, park 2969
district, soil and water conservation district, conservancy 2970
district, or other political subdivision or taxing district, or 2971
any agency of the United States government, for the exclusive use 2972
of that agency, political subdivision, or taxing district, without 2973
any right of sublease or assignment, for a period not to exceed 2974
fifteen years, and provided that the director shall grant leases, 2975
easements, or licenses of university land for periods not to 2976
exceed twenty-five years for purposes approved by the respective 2977
university's board of trustees wherein the uses are compatible 2978
with the uses and needs of the university and may grant leases of 2979
university land for periods not to exceed forty years for purposes 2980
approved by the respective university's board of trustees pursuant 2981
to section 123.77 of the Revised Code. 2982

(10) To lease office space in buildings for the use of a 2983
state agency; 2984

(11) To have general supervision and care of the storerooms, 2985
offices, and buildings leased for the use of a state agency; 2986

(12) To exercise general custodial care of all real property 2987
of the state; 2988

(13) To assign and group together state offices in any city 2989
in the state and to establish, in cooperation with the state 2990
agencies involved, rules governing space requirements for office 2991
or storage use; 2992

(14) To lease for a period not to exceed forty years, 2993
pursuant to a contract providing for the construction thereof 2994
under a lease-purchase plan, buildings, structures, and other 2995
improvements for any public purpose, and, in conjunction 2996
therewith, to grant leases, easements, or licenses for lands under 2997

the control of a state agency for a period not to exceed forty 2998
years. The lease-purchase plan shall provide that at the end of 2999
the lease period, the buildings, structures, and related 3000
improvements, together with the land on which they are situated, 3001
shall become the property of the state without cost. 3002

(a) Whenever any building, structure, or other improvement is 3003
to be so leased by a state agency, the department shall retain 3004
either basic plans, specifications, bills of materials, and 3005
estimates of cost with sufficient detail to afford bidders all 3006
needed information or, alternatively, all of the following plans, 3007
details, bills of materials, and specifications: 3008

(i) Full and accurate plans suitable for the use of mechanics 3009
and other builders in the improvement; 3010

(ii) Details to scale and full sized, so drawn and 3011
represented as to be easily understood; 3012

(iii) Accurate bills showing the exact quantity of different 3013
kinds of material necessary to the construction; 3014

(iv) Definite and complete specifications of the work to be 3015
performed, together with such directions as will enable a 3016
competent mechanic or other builder to carry them out and afford 3017
bidders all needed information; 3018

(v) A full and accurate estimate of each item of expense and 3019
of the aggregate cost thereof. 3020

(b) The department shall give public notice, in such 3021
newspaper, in such form, and with such phraseology as the director 3022
of administrative services prescribes, published once each week 3023
for four consecutive weeks, of the time when and place where bids 3024
will be received for entering into an agreement to lease to a 3025
state agency a building, structure, or other improvement. The last 3026
publication shall be at least eight days preceding the day for 3027
opening the bids. The bids shall contain the terms upon which the 3028

builder would propose to lease the building, structure, or other 3029
improvement to the state agency. The form of the bid approved by 3030
the department shall be used, and a bid is invalid and shall not 3031
be considered unless that form is used without change, alteration, 3032
or addition. Before submitting bids pursuant to this section, any 3033
builder shall comply with Chapter 153. of the Revised Code. 3034

(c) On the day and at the place named for receiving bids for 3035
entering into lease agreements with a state agency, the director 3036
of administrative services shall open the bids and shall publicly 3037
proceed immediately to tabulate the bids upon duplicate sheets. No 3038
lease agreement shall be entered into until the bureau of workers' 3039
compensation has certified that the person to be awarded the lease 3040
agreement has complied with Chapter 4123. of the Revised Code, 3041
until, if the builder submitting the lowest and best bid is a 3042
foreign corporation, the secretary of state has certified that the 3043
corporation is authorized to do business in this state, until, if 3044
the builder submitting the lowest and best bid is a person 3045
nonresident of this state, the person has filed with the secretary 3046
of state a power of attorney designating the secretary of state as 3047
its agent for the purpose of accepting service of summons in any 3048
action brought under Chapter 4123. of the Revised Code, and until 3049
the agreement is submitted to the attorney general and the 3050
attorney general's approval is certified thereon. Within thirty 3051
days after the day on which the bids are received, the department 3052
shall investigate the bids received and shall determine that the 3053
bureau and the secretary of state have made the certifications 3054
required by this section of the builder who has submitted the 3055
lowest and best bid. Within ten days of the completion of the 3056
investigation of the bids, the department shall award the lease 3057
agreement to the builder who has submitted the lowest and best bid 3058
and who has been certified by the bureau and secretary of state as 3059
required by this section. If bidding for the lease agreement has 3060
been conducted upon the basis of basic plans, specifications, 3061

bills of materials, and estimates of costs, upon the award to the 3062
builder the department, or the builder with the approval of the 3063
department, shall appoint an architect or engineer licensed in 3064
this state to prepare such further detailed plans, specifications, 3065
and bills of materials as are required to construct the building, 3066
structure, or improvement. The department shall adopt such rules 3067
as are necessary to give effect to this section. The department 3068
may reject any bid. Where there is reason to believe there is 3069
collusion or combination among bidders, the bids of those 3070
concerned therein shall be rejected. 3071

(15) To acquire by purchase, gift, devise, or grant and to 3072
transfer, lease, or otherwise dispose of all real property 3073
required to assist in the development of a conversion facility as 3074
defined in section 5709.30 of the Revised Code; 3075

(16) To lease for a period not to exceed forty years, 3076
notwithstanding any other division of this section, the 3077
state-owned property located at 408-450 East Town Street, 3078
Columbus, Ohio, formerly the state school for the deaf, to a 3079
developer in accordance with this section. "Developer," as used in 3080
this section, has the same meaning as in section 123.77 of the 3081
Revised Code. 3082

Such a lease shall be for the purpose of development of the 3083
land for use by senior citizens by constructing, altering, 3084
renovating, repairing, expanding, and improving the site as it 3085
existed on June 25, 1982. A developer desiring to lease the land 3086
shall prepare for submission to the department a plan for 3087
development. Plans shall include provisions for roads, sewers, 3088
water lines, waste disposal, water supply, and similar matters to 3089
meet the requirements of state and local laws. The plans shall 3090
also include provision for protection of the property by insurance 3091
or otherwise, and plans for financing the development, and shall 3092
set forth details of the developer's financial responsibility. 3093

The department may employ, as employees or consultants, 3094
persons needed to assist in reviewing the development plans. Those 3095
persons may include attorneys, financial experts, engineers, and 3096
other necessary experts. The department shall review the 3097
development plans and may enter into a lease if it finds all of 3098
the following: 3099

(a) The best interests of the state will be promoted by 3100
entering into a lease with the developer; 3101

(b) The development plans are satisfactory; 3102

(c) The developer has established the developer's financial 3103
responsibility and satisfactory plans for financing the 3104
development. 3105

The lease shall contain a provision that construction or 3106
renovation of the buildings, roads, structures, and other 3107
necessary facilities shall begin within one year after the date of 3108
the lease and shall proceed according to a schedule agreed to 3109
between the department and the developer or the lease will be 3110
terminated. The lease shall contain such conditions and 3111
stipulations as the director considers necessary to preserve the 3112
best interest of the state. Moneys received by the state pursuant 3113
to this lease shall be paid into the general revenue fund. The 3114
lease shall provide that at the end of the lease period the 3115
buildings, structures, and related improvements shall become the 3116
property of the state without cost. 3117

(17) To lease to any person any tract of land owned by the 3118
state and under the control of the department, or any part of such 3119
a tract, for the purpose of drilling for or the pooling of oil or 3120
gas. Such a lease shall be granted for a period not exceeding 3121
forty years, with the full power to contract for, determine the 3122
conditions governing, and specify the amount the state shall 3123
receive for the purposes specified in the lease, and shall be 3124

prepared as in other cases.	3125
<u>(18) Biennially implement, by state agency location, a census of agency employees assigned space;</u>	3126 3127
<u>(19) Require each state agency to categorize periodically the use of space allotted to the agency between office space, common areas, storage space, and other uses and report its findings to the department;</u>	3128 3129 3130 3131
<u>(20) Create and update periodically a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.</u>	3132 3133 3134
<u>(21) Conduct periodically a cost-benefit analysis to determine the effectiveness of state-owned buildings;</u>	3135 3136
<u>(22) Assess periodically the alternatives associated with consolidating the commercial leases for buildings located in Columbus;</u>	3137 3138 3139
<u>(23) Commission a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.</u>	3140 3141 3142 3143
(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:	3144 3145
(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;	3146 3147 3148 3149 3150
(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the	3151 3152 3153 3154

department of transportation, or the purchase of real property for 3155
garage sites or division or resident district offices, or in 3156
preparing plans and specifications for and constructing such 3157
buildings as the director may require in the administration of the 3158
department; 3159

(3) The power of the director of public safety and the 3160
registrar of motor vehicles to purchase or lease real property and 3161
buildings to be used solely as locations to which a deputy 3162
registrar is assigned pursuant to division (B) of section 4507.011 3163
of the Revised Code and from which the deputy registrar is to 3164
conduct the deputy registrar's business, the power of the director 3165
of public safety to purchase or lease real property and buildings 3166
to be used as locations for division or district offices as 3167
required in the maintenance of operations of the department of 3168
public safety, and the power of the superintendent of the state 3169
highway patrol in the purchase or leasing of real property and 3170
buildings needed by the patrol, to negotiate the sale of real 3171
property owned by the patrol, to rent or lease real property owned 3172
or leased by the patrol, and to make or cause to be made repairs 3173
to all property owned or under the control of the patrol; 3174

(4) The power of the division of liquor control in the 3175
leasing or purchasing of retail outlets and warehouse facilities 3176
for the use of the division; 3177

(5) The power of the director of development to enter into 3178
leases of real property, buildings, and office space to be used 3179
solely as locations for the state's foreign offices to carry out 3180
the purposes of section 122.05 of the Revised Code. 3181

(C) Purchases for, and the custody and repair of, buildings 3182
under the management and control of the capitol square review and 3183
advisory board, the rehabilitation services commission, the bureau 3184
of workers' compensation, or the departments of public safety, job 3185
and family services, mental health, mental retardation and 3186

developmental disabilities, and rehabilitation and correction, and 3187
buildings of educational and benevolent institutions under the 3188
management and control of boards of trustees, are not subject to 3189
the control and jurisdiction of the department of administrative 3190
services. 3191

(D) Any instrument by which real property is acquired 3192
pursuant to this section shall identify the agency of the state 3193
that has the use and benefit of the real property as specified in 3194
section 5301.012 of the Revised Code. 3195

Sec. 123.152. (A) As used in this section, "EDGE business 3196
enterprise" means a sole proprietorship, association, partnership, 3197
corporation, limited liability corporation, or joint venture 3198
certified as a participant in the encouraging diversity, growth, 3199
and equity program by the director of administrative services 3200
under this section of the Revised Code. 3201

(B) The director of administrative services shall establish a 3202
business assistance program known as the encouraging diversity, 3203
growth, and equity program and shall adopt rules in accordance 3204
with Chapter 119. of the Revised Code to administer the program 3205
and that do all of the following: 3206

(1) Establish procedures by which a sole proprietorship, 3207
association, partnership, corporation, limited liability 3208
corporation, or joint venture may apply for certification as an 3209
EDGE business enterprise; 3210

(2) Establish agency procurement goals for contracting with 3211
EDGE business enterprises in the award of contracts under Chapters 3212
123., 125., and 153. of the Revised Code based on the availability 3213
of eligible program participants by region or geographic area, as 3214
determined by the director, and by standard industrial code. 3215

(a) Goals established under division (B)(2) of this section 3216

shall be based on a percentage level of participation and a 3217
percentage of contractor availability. 3218

(b) Goals established under division (B)(2) of this section 3219
shall be applied at the contract level, relative to an overall 3220
dollar goal for each state agency, in accordance with the 3221
following certification categories: construction, architecture, 3222
and engineering; professional services; goods and services; and 3223
information technology services. 3224

(3) Establish a system of certifying EDGE business 3225
enterprises based on a requirement that the business owner or 3226
owners show both social and economic disadvantage based on the 3227
following, as determined to be sufficient by the director: 3228

(a) Relative wealth of the business seeking certification as 3229
well as the personal wealth of the owner or owners of the 3230
business; 3231

(b) Social disadvantage based on any of the following: 3232

(i) A rebuttable presumption when the business owner or 3233
owners demonstrate membership in a racial minority group or show 3234
personal disadvantage due to color, ethnic origin, gender, 3235
physical disability, long-term residence in an environment 3236
isolated from the mainstream of American society, location in an 3237
area of high unemployment; 3238

(ii) Some other demonstration of personal disadvantage not 3239
common to other small businesses; 3240

(iii) By business location in a qualified census tract. 3241

(c) Economic disadvantage based on economic and business size 3242
thresholds and eligibility criteria designed to stimulate economic 3243
development through contract awards to businesses located in 3244
qualified census tracts. 3245

(4) Establish standards to determine when an EDGE business 3246

<u>enterprise no longer qualifies for EDGE business enterprise</u>	3247
<u>certification;</u>	3248
<u>(5) Develop a process for evaluating and adjusting goals</u>	3249
<u>established by this section to determine what adjustments are</u>	3250
<u>necessary to achieve participation goals established by the</u>	3251
<u>director;</u>	3252
<u>(6) Establish a point system to evaluate bid proposals to</u>	3253
<u>encourage EDGE business enterprises to participate in the</u>	3254
<u>procurement of professional design and information technology</u>	3255
<u>services;</u>	3256
<u>(7) Establish a system to track data and analyze each</u>	3257
<u>certification category established under division (B)(2)(b) of</u>	3258
<u>this section;</u>	3259
<u>(8) Establish a process to mediate complaints and to review</u>	3260
<u>EDGE business enterprise certification appeals;</u>	3261
<u>(9) Implement an outreach program to educate potential</u>	3262
<u>participants about the encouraging diversity, growth, and equity</u>	3263
<u>program;</u>	3264
<u>(10) Establish a system to assist state agencies in</u>	3265
<u>identifying and utilizing EDGE business enterprises in their</u>	3266
<u>contracting processes;</u>	3267
<u>(11) Implement a system of self-reporting by EDGE business</u>	3268
<u>enterprises as well as an on-site inspection process to validate</u>	3269
<u>the qualifications of an EDGE business enterprise;</u>	3270
<u>(12) Establish a waiver mechanism to waive program goals or</u>	3271
<u>participation requirements for those companies that, despite their</u>	3272
<u>best-documented efforts, are unable to contract with certified</u>	3273
<u>EDGE business enterprises;</u>	3274
<u>(13) Establish a process for monitoring overall program</u>	3275
<u>compliance in which equal employment opportunity officers</u>	3276

primarily are responsible for monitoring their respective agencies. 3277
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(C) Not later than December 31, 2003, the director of administrative services shall prepare a detailed report to the governor outlining and evaluating the progress made in implementing the encouraging diversity, growth, and equity program. 3279
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Sec. 123.153. The director of development shall do all of the following with regard to the encouraging diversity, growth, and equity program created under section 123.152 of the Revised Code: 3284
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(A) Conduct outreach, marketing, and recruitment of EDGE business enterprises; 3288
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(B) Provide assistance to the department of administrative services, as needed, to certify new EDGE business enterprises and to train appropriate state agency staff; 3290
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(C) Provide business development services to EDGE business enterprises in the developmental and transitional stages of the program, including financial and bonding and management and technical assistance; 3293
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(D) Develop a mentor program to bring businesses into a working relationship with EDGE business enterprises in a way that commercially benefits both entities and serves the purpose of the EDGE program; 3297
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(E) Not later than December 31, 2003, prepare a detailed report to the governor outlining and evaluating the progress made in implementing the encouraging diversity, growth, and equity program; 3301
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(F) Establish processes by which an EDGE business enterprise may apply for contract assistance, financial and bonding 3305
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assistance, management and technical assistance, and mentoring opportunities. 3307
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Sec. 124.03. The state personnel board of review shall 3309
exercise the following powers and perform the following duties: 3310

(A) Hear appeals, as provided by law, of employees in the 3311
classified state service from final decisions of appointing 3312
authorities or the director of administrative services relative to 3313
reduction in pay or position, job abolishments, layoff, 3314
suspension, discharge, assignment or reassignment to a new or 3315
different position classification, or refusal of the director, or 3316
anybody authorized to perform the director's functions, to 3317
reassign an employee to another classification or to reclassify 3318
the employee's position with or without a job audit under division 3319
(D) of section 124.14 of the Revised Code. As used in this 3320
division, "discharge" includes disability separations. ~~The~~ 3321

The board may affirm, disaffirm, or modify the decisions of 3322
the appointing authorities or the director, as the case may be, 3323
and its decision is final. The board's decisions shall be 3324
consistent with the applicable classification specifications. ~~The~~ 3325

The board shall not be deprived of jurisdiction to hear any 3326
appeal due to the failure of an appointing authority to file its 3327
decision with the board. Any final decision of an appointing 3328
authority or of the director not filed in the manner provided in 3329
this chapter shall be disaffirmed. ~~The~~ 3330

The board may place an exempt employee, as defined in section 3331
124.152 of the Revised Code, into a bargaining unit 3332
classification, if the board determines that the bargaining unit 3333
classification is the proper classification for that employee. 3334
Notwithstanding Chapter 4117. of the Revised Code or instruments 3335
and contracts negotiated under it, such placements are at the 3336
board's discretion. 3337

In any hearing before the board, including any hearing at 3338
which a record is taken that may be the basis of an appeal to a 3339
court, an employee may be represented by a person permitted to 3340
practice before the board who is not an attorney at law ~~so~~ as long 3341
as the person does not receive any compensation from the employee 3342
for ~~such~~ the representation. 3343

(B) Hear appeals, as provided by law, of appointing 3344
authorities from final decisions of the director relative to the 3345
classification or reclassification of any position in the 3346
classified state service under the jurisdiction of ~~such~~ that 3347
appointing authority. The board may affirm, disaffirm, or modify 3348
the decisions of the director, and its decision is final. The 3349
board's decisions shall be consistent with the applicable 3350
classification specifications. 3351

(C) Exercise the authority provided by section 124.40 of the 3352
Revised Code, for appointment, removal, and supervision of 3353
municipal and civil service township civil service commissions; 3354

(D) Appoint a secretary, referees, examiners, and whatever 3355
other employees are necessary in the exercise of its powers and 3356
performance of its duties and functions. The board shall determine 3357
appropriate education and experience requirements for its 3358
secretary, referees, examiners, and other employees and shall 3359
prescribe their duties. A referee or examiner does not need to 3360
have been admitted to the practice of law. 3361

(E) Maintain a journal ~~which~~ that shall be open to public 3362
inspection, in which it shall keep a record of all of its 3363
proceedings and of the vote of each of its members upon every 3364
action taken by it; 3365

(F) Adopt rules in accordance with Chapter 119. of the 3366
Revised Code relating to the procedure of the board in 3367
administering the laws ~~which~~ it has the authority or duty to 3368

administer and for the purpose of invoking the jurisdiction of the 3369
board in hearing appeals of appointing authorities and employees 3370
in matters set forth in divisions (A) and (B) of this section; 3371

(G) Subpoena and require the attendance and testimony of 3372
witnesses and the production of books, papers, public records, and 3373
other documentary evidence pertinent to any matter ~~which~~ it has 3374
authority to investigate, inquire into, or hear in the same manner 3375
and to the same extent as provided by division (G) of section 3376
124.09 of the Revised Code. All witness fees shall be paid in the 3377
manner set forth in that division. 3378

(H) The board shall be funded by general revenue fund 3379
appropriations. All moneys received by the board for copies of 3380
documents, rule books, and transcriptions shall be paid into the 3381
state treasury to the credit of the transcript and other documents 3382
fund, which is hereby created to defray the cost of ~~furnishing or~~ 3383
~~making available such copies, rule books, and transcriptions~~ 3384
producing an administrative record. 3385

Sec. 125.05. Except as provided in division (E) of this 3386
section, no state agency shall purchase any supplies or services 3387
except as provided in divisions (A) to (C) of this section. 3388

(A) Subject to division (D) of this section, a state agency 3389
may, without competitive selection, make any purchase of services 3390
that cost fifty thousand dollars or less or any purchase of 3391
supplies that cost twenty-five thousand dollars or less. The 3392
agency may make the purchase directly or may make the purchase 3393
from or through the department of administrative services, 3394
whichever the agency determines. The department shall establish 3395
written procedures to assist state agencies when they make direct 3396
purchases. If the agency makes the purchase directly, it shall 3397
make the purchase by a term contract whenever possible. 3398

(B) ~~Subject~~ (1) Except as provided in division (B)(2) of this 3399

section and subject to division (D) of this section, a state 3400
agency wanting to purchase services that cost more than fifty 3401
thousand dollars or supplies that cost more than twenty-five 3402
thousand dollars shall, unless otherwise authorized by law, make 3403
the purchase from or through the department. The department shall 3404
make the purchase by competitive selection under section 125.07 of 3405
the Revised Code. If the director of administrative services 3406
determines that it is not possible or not advantageous to the 3407
state for the department to make the purchase, the department 3408
shall grant the agency a release and permit under section 125.06 3409
of the Revised Code to make the purchase. Section 127.16 of the 3410
Revised Code does not apply to purchases the department makes 3411
under this section. 3412

(2) Subject to division (D) of this section, a state agency 3413
desiring to purchase services that cost more than fifty thousand 3414
dollars or supplies that cost more than twenty-five thousand 3415
dollars shall solicit, pursuant to the competitive selection 3416
requirements specified in section 125.07 of the Revised Code, at 3417
least three bids for the services or supplies and make the 3418
purchase directly from the lowest bidder instead of from or 3419
through the department, but only if the state agency determines 3420
that it is possible to purchase the services or supplies directly 3421
from that bidder at a lower price than making the purchase from or 3422
through the department. If the agency makes a purchase pursuant to 3423
division (B)(2) of this section, it shall provide the department 3424
with written notification of the subject and amount of the 3425
purchase. 3426

(C) An agency that has been granted a release and permit to 3427
make a purchase may make the purchase without competitive 3428
selection if after making the purchase the cumulative purchase 3429
threshold as computed under division (F) of section 127.16 of the 3430
Revised Code would: 3431

(1) Be exceeded and the controlling board approves the purchase; 3432
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(2) Not be exceeded and the department of administrative services approves the purchase. 3434
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(D) Not later than January 31, 1997, the amounts specified in divisions (A) and (B) of this section and, not later than the thirty-first day of January of each second year thereafter, any amounts computed by adjustments made under this division, shall be increased or decreased by the average percentage increase or decrease in 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") for the twenty-four calendar month period prior to the immediately preceding first day of January over the immediately preceding twenty-four calendar month period, as reported by the bureau. The director of administrative services shall make this determination and adjust the appropriate amounts accordingly. 3436
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(E) If ~~the Ohio SchoolNet commission,~~ the department of education, or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the ~~office,~~ department, or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section. 3449
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Sec. 125.06. The department of administrative services may, pursuant to division (B)(1) of section 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, issue a release and permit to the agency to 3459
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secure supplies or services. A release and permit shall specify 3463
the supplies or services to which it applies, the time during 3464
which it is operative, and the reason for its issuance. A release 3465
and permit for computer services shall also specify the type of 3466
services to be rendered, the number and type of machines to be 3467
employed, and may specify the amount of such services to be 3468
performed. One copy of every release and permit shall be filed 3469
with the agency to which it is issued, and one copy shall be 3470
retained by the department. 3471

Sec. 125.07. The department of administrative services, in 3472
making a purchase by competitive selection pursuant to division 3473
(B)(1) of section 125.05 of the Revised Code, or a state agency, 3474
in making a purchase by competitive selection pursuant to division 3475
(B)(2) of section 125.02 of the Revised Code, shall give notice in 3476
the following manner: 3477

(A) The department or state agency shall advertise the 3478
intended purchases by notice that is posted by mail or electronic 3479
means and that is for the benefit of competing persons producing 3480
or dealing in the supplies or services to be purchased, including, 3481
but not limited to, the persons whose names appear on the 3482
appropriate list provided for in section 125.08 of the Revised 3483
Code. The notice may be in the form of the bid or proposal 3484
document or of a listing in a periodic bulletin, or in any other 3485
form the director of administrative services or state agency head 3486
considers appropriate to sufficiently notify qualified competing 3487
persons of the intended purchases. 3488

(B) The notice required under division (A) of this section 3489
shall include the time and place where bids or proposals will be 3490
accepted and opened, or, when bids are made in a reverse auction, 3491
the time when bids will be accepted; the conditions under which 3492
bids or proposals will be received; the terms of the proposed 3493

purchases; and an itemized list of the supplies or services to be purchased and the estimated quantities or amounts of them.

(C) The posting of the notice required under division (A) of this section shall be completed by the number of days the director or state agency head determines preceding the day when the bids or proposals will be opened or accepted.

(D) The department or state agency also shall maintain, in a public place in its office, a bulletin board upon which it shall post and maintain a copy of the notice required under division (A) of this section for at least the number of days the director or state agency head determines under division (C) of this section preceding the day of the opening or acceptance of the bids or proposals. The failure to so additionally post the notice shall invalidate all proceedings had and any contract entered into pursuant to the proceedings.

Sec. 125.073. (A) The department of administrative services shall actively promote and accelerate the use of electronic procurement, including reverse auctions as defined by section 125.072 of the Revised Code, by implementing the relevant recommendations concerning electronic procurement from the "2000 Management Improvement Commission Report to the Governor" when exercising its statutory powers.

(B) Beginning July 1, 2004, the department shall annually on or before the first day of July report to the committees in each house of the general assembly dealing with finance indicating the effectiveness of electronic procurement.

Sec. 125.15. All state agencies required to secure any equipment, materials, supplies, or services, ~~or contracts of insurance~~ from the department of administrative services shall make acquisition in the manner and upon forms prescribed by the

director of administrative services and shall reimburse the 3524
department for the equipment, materials, supplies, or services, or 3525
~~contracts of insurance,~~ including a reasonable sum to cover the 3526
department's administrative costs, whenever reimbursement is 3527
required by the department. The money so paid shall be deposited 3528
in the state treasury to the credit of the general services fund 3529
or the information technology fund, as appropriate. ~~Such~~ Those 3530
funds are hereby created. 3531

Sec. 125.831. As used in sections 125.831 to 125.834 of the 3532
Revised Code: 3533

(A) "Law enforcement officer" means an officer, agent, or 3534
employee of a state agency upon whom, by statute, a duty to 3535
conserve the peace or to enforce all or certain laws is imposed 3536
and the authority to arrest violators is conferred, within the 3537
limits of that statutory duty and authority. 3538

(B) "Motor vehicle" means any automobile, automobile truck, 3539
tractor, or self-propelled vehicle not operated or driven on fixed 3540
rails or track, but does not include a motor vehicle used by a law 3541
enforcement officer or that has a one-ton or higher hauling 3542
capacity. 3543

(C) "State agency" means every organized body, office, or 3544
agency established by the laws of the state for the exercise of 3545
any function of state government, but does not include the general 3546
assembly, any legislative agency, the supreme court, other courts 3547
of record in the state, or any judicial agency. 3548

Sec. 125.832. The department of administrative services is 3549
hereby granted exclusive authority over the acquisition and 3550
management of all motor vehicles used by state agencies. In 3551
carrying out this authority, the department shall do all of the 3552
following: 3553

(A) Approve the purchase or lease of each motor vehicle. The department shall decide if a motor vehicle shall be leased or purchased. 3554
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(B) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and all other costs related to the possession and operation of the motor vehicles; 3557
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(C) Adopt rules pursuant to section 111.15 of the Revised Code establishing policies and procedures for the assignment of the motor vehicles to state agencies and to the employees and heads of state agencies. Where applicable, these policies and procedures shall include approval of the location of each state agency's motor vehicle pool. The pool may be at the central office of the state agency or at one or more of the state agency's regional offices. Assignment of motor vehicles to state agencies and to the employees and heads of state agencies shall be at the sole discretion of the department. 3561
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(D) Determine how the motor vehicles will be maintained, insured, operated, financed, and licensed; 3571
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(E) Negotiate with vendors to create fuel plans for the provision of fuel for the motor vehicles; 3573
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(F)(1) Pursuant to the formula in division (F)(2) of this section, annually establish the minimum number of business miles per year an employee or the head of a state agency must drive in order to qualify for approval by the department to receive a personal motor vehicle for business use. The department shall not establish a minimum number that is less than fourteen thousand miles. The minimum number shall not include business miles traveled to and from the employee's home and work. 3575
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(2) The department shall establish the minimum number of business miles per year under division (F)(1) of this section at 3583
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an amount that results when the annual motor vehicle cost is 3585
divided by the amount that is the reimbursement rate per mile 3586
minus the amount that is the sum of the fuel cost, the operating 3587
cost, and the insurance cost. 3588

As used in division (F)(2) of this section: 3589

(a) "Annual motor vehicle cost" means the price of an average 3590
motor vehicle divided by the number of years an average motor 3591
vehicle is used. 3592

(b) "Fuel cost" means the average price per gallon of motor 3593
fuel divided by the miles per gallon fuel efficiency of an average 3594
motor vehicle. 3595

(c) "Insurance cost" means the cost of insuring an average 3596
motor vehicle per year divided by the number of miles an average 3597
motor vehicle is driven per year. 3598

(d) "Operating cost" means the maintenance cost of an average 3599
motor vehicle per year divided by the product resulting when the 3600
number of miles an average motor vehicle is driven per year is 3601
multiplied by the number of years an average motor vehicle is 3602
used. 3603

(e) "Reimbursement rate per mile" means the reimbursement per 3604
mile rate for travel expenses as provided by rule of the director 3605
of budget and management adopted pursuant to division (B) of 3606
section 126.31 of the Revised Code. 3607

(G) Implement the recommendations from the 2002 report 3608
entitled "Administrative Analysis of the Ohio Fleet Management 3609
Program" related to the authority granted to the department by 3610
this section. 3611

Sec. 125.833. (A) There is hereby established within the 3612
department of administrative services the vehicle management 3613
commission. 3614

(B) The commission shall consist of the director of 3615
administrative services and six other members consisting of two 3616
members of the house of representatives appointed by the speaker 3617
of the house of representatives, two members of the senate 3618
appointed by the president of the senate, and two persons with 3619
experience in the vehicle leasing, purchasing, and maintenance 3620
industry in the state who are selected by the other five members 3621
of the commission. Initial appointments of legislative members to 3622
the committee shall be made by September 1, 2003, and in the 3623
manner prescribed in this section. Thereafter, appointments to the 3624
committee shall be made within fifteen days after the commencement 3625
of the first regular session of the general assembly and in the 3626
manner prescribed in this section. The terms of legislative 3627
members shall be for the duration of the session of the general 3628
assembly in which they are appointed. Legislative members of the 3629
committee shall continue to serve on the committee until the 3630
appointments are made in the following session of the general 3631
assembly, unless they cease to be members of the general assembly. 3632
A vacancy on the committee shall be filled for the unexpired term 3633
in the same manner as the original appointment. 3634

(C) The commission shall periodically review the 3635
implementation of this section by the department of administrative 3636
services and may recommend to the department and the general 3637
assembly modifications to the department's procedures and 3638
functions and other statutory changes. 3639

Sec. 125.834. (A) Motor vehicles shall be made available to 3640
state agencies and the employees and heads of state agencies only 3641
in the following ways: 3642

(1) Through provision by the department on an intermittent or 3643
temporary basis under section 125.83 of the Revised Code; 3644

(2) Through a motor vehicle pool at the central office of the 3645

state agency or at one or more of the state agency's regional 3646
offices, as the department determines under division (C) of 3647
section 125.832 of the Revised Code; 3648

(3) Through the provision of a personal motor vehicle at the 3649
request of a state agency to an employee or the head of the state 3650
agency who drives the minimum number of business miles per year 3651
that the department determines under division (F)(1) of section 3652
125.832 of the Revised Code and who receives approval for the 3653
motor vehicle from the department. If that individual drives less 3654
than the minimum number of miles per year or is otherwise not 3655
granted approval by the department for a personal motor vehicle, 3656
the individual must use an agency pool motor vehicle or the 3657
individual's own motor vehicle. If an individual uses the 3658
individual's own motor vehicle, the individual shall be reimbursed 3659
at the same mileage rate allowed for the reimbursement of travel 3660
expenses as provided by rule of the director of budget and 3661
management adopted pursuant to division (B) of section 126.31 of 3662
the Revised Code. If a state agency requests and receives approval 3663
for a personal motor vehicle for an individual and the individual 3664
drives the motor vehicle less than the minimum number of business 3665
miles per year, the state agency shall return that motor vehicle 3666
to the department for reassignment pursuant to this section. The 3667
state agency shall reimburse the department for all administrative 3668
costs incurred in the return and reassignment of the motor 3669
vehicle. 3670

(B) Each state agency shall reimburse the department for all 3671
costs incurred in the assignment of motor vehicles to the state 3672
agency. 3673

(C) Employees of the department shall be the only state 3674
employees responsible for the purchase, lease, repair, 3675
maintenance, registration, and insuring, and all other 3676
responsibilities related to the possession and operation of motor 3677

<u>vehicles used by state agencies.</u>	3678
<u>(D) Except in the case of an emergency, all fuel for state</u>	3679
<u>vehicles must be purchased pursuant to fuel plans that the</u>	3680
<u>department negotiates under division (E) of section 125.832 of the</u>	3681
<u>Revised Code. In the case of an emergency, a state agency or its</u>	3682
<u>employee or head may purchase fuel other than pursuant to such a</u>	3683
<u>fuel plan and be reimbursed for expenses incurred upon the</u>	3684
<u>approval of the department.</u>	3685
Sec. 125.22. (A) The department of administrative services	3686
shall establish the central service agency to perform routine	3687
support for the following boards and commissions:	3688
(1) State board of examiners of architects;	3689
(2) Barber board;	3690
(3) State chiropractic board;	3691
(4) State board of cosmetology;	3692
(5) Accountancy board;	3693
(6) State dental board;	3694
(7) State <u>vision</u> board of optometry ;	3695
(8) Ohio occupational therapy, physical therapy, and athletic	3696
trainers board;	3697
(9) State board of registration for professional engineers	3698
and surveyors;	3699
(10) State board of sanitarian registration;	3700
(11) Board of embalmers and funeral directors;	3701
(12) State board of psychology;	3702
(13) Ohio optical dispensers board ;	3703
(14) Board of speech pathology and audiology;	3704

(15) (14) Counselor, social worker, and marriage and family therapist board;	3705 3706
(16) (15) State veterinary medical licensing board;	3707
(17) (16) Ohio board of dietetics;	3708
(18) (17) Commission on Hispanic-Latino affairs;	3709
(19) (18) Ohio respiratory care board;	3710
(20) Ohio commission on African American males;	3711
(21) (19) Chemical dependency professionals board.	3712
(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:	3713 3714 3715 3716 3717 3718
(a) Preparing and processing payroll and other personnel documents;	3719 3720
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	3721 3722
(c) Maintaining ledgers of accounts and balances;	3723
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	3724 3725
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	3726 3727 3728
(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.	3729 3730 3731
(3) The agency may perform any service for any professional	3732

or occupational licensing board not named in division (A) of this 3733
section or any commission if the board or commission requests such 3734
service and the agency accepts. 3735

(C) The director of administrative services shall be the 3736
appointing authority for the agency. 3737

(D) The agency shall determine the fees to be charged to the 3738
boards and commissions, which shall be in proportion to the 3739
services performed for each board or commission. 3740

(E) Each board or commission named in division (A) of this 3741
section and any other board or commission requesting services from 3742
the agency shall pay these fees to the agency from the general 3743
revenue fund maintenance account of the board or commission or 3744
from such other fund as the operating expenses of the board or 3745
commission are paid. Any amounts set aside for a fiscal year by a 3746
board or commission to allow for the payment of fees shall be used 3747
only for the services performed by the agency in that fiscal year. 3748
All receipts collected by the agency shall be deposited in the 3749
state treasury to the credit of the central service agency fund, 3750
which is hereby created. All expenses incurred by the agency in 3751
performing services for the boards or commissions shall be paid 3752
from the fund. 3753

(F) Nothing in this section shall be construed as a grant of 3754
authority for the central service agency to initiate or deny 3755
personnel or fiscal actions for the boards and commissions. 3756

Sec. 125.91. As used in sections 125.92 to 125.98 of the 3757
Revised Code: 3758

(A) "State agency" includes every department, bureau, board, 3759
commission, office, or other organized body established by the 3760
constitution and laws of the state for the exercise of any 3761
function of state government, but does not include any 3762

state-supported institution of higher education, the general 3763
assembly or any legislative agency, the attorney general, the 3764
auditor of state, the secretary of state, the treasurer of state, 3765
the bureau of workers' compensation, any court or judicial agency, 3766
or any political subdivision or agency ~~thereof~~ of a political 3767
subdivision. 3768

(B) "Form" means any document, device, or item used to convey 3769
information, regardless of medium, that has blank spaces for the 3770
insertion of information and that may have a predetermined format 3771
and data elements to guide the entry, ~~interpretation~~ 3772
interpretation, and use of the information. "Form" does not 3773
include letterheads, envelopes, labels, tags, tickets, or note 3774
pads, or forms mandated by the federal government, but does 3775
include all computer-generated forms except those mandated by the 3776
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 3777
~~Revised Code, "form" applies only to a form that is used by a~~ 3778
~~state agency and that is completed in whole or in part by private~~ 3779
~~business, political subdivisions, or the public.~~ 3780

Sec. 125.92. There is hereby established in the department of 3781
administrative services a state forms management ~~control center~~ 3782
program, which shall be under the control and supervision of the 3783
director of administrative services, ~~who shall appoint an~~ 3784
administrator of the center or the director's designee. 3785

The ~~center~~ state forms management program shall ~~develop,~~ 3786
~~implement, and maintain a statewide forms management program that~~ 3787
~~involves~~ be developed, implemented, and maintained for all state 3788
agencies and ~~is~~ be designed to simplify, consolidate, or 3789
eliminate, when expedient, forms, surveys, and other documents 3790
used by state agencies. In developing the program, particular 3791
emphasis shall be placed upon determining the actual need for any 3792
information, records, and reports sought from private business, 3793

agriculture, and local governments through the use of ~~such~~ forms, 3794
surveys, and other documents. 3795

Sec. 125.93. The state forms management ~~control center~~ 3796
program shall do each of the following: 3797

(A) Assist state agencies in establishing internal forms 3798
management capabilities; 3799

(B) Study, develop, coordinate, and initiate forms of 3800
interagency and common administrative usage, and establish basic 3801
design and specification criteria to standardize state forms; 3802

(C) Assist state agencies to design economical forms ~~and~~ 3803
~~compose art work for forms~~; 3804

(D) ~~Establish and supervise control procedures to prevent the~~ 3805
~~undue creation and reproduction of state forms~~; 3806

~~(E)~~ Assist, train, and instruct state agencies and their 3807
forms management representatives in forms management techniques, 3808
and provide direct forms management assistance to new state 3809
agencies as they are created; 3810

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 3811
state forms to facilitate standardization of the forms, eliminate 3812
redundant forms, and provide a central source of information on 3813
forms usage and availability; 3814

~~(G)~~ Utilize existing functions within the department of 3815
administrative services to design economical forms and compose art 3816
work, as well as use appropriate procurement techniques to take 3817
advantage of competitive selection, consolidated orders, and 3818
~~contract procurement of forms~~; 3819

~~(H)~~ Conduct an annual evaluation of the effectiveness of the 3820
forms management program and the forms management practices of 3821
individual state agencies, and maintain records that indicate 3822
dollar savings resulting from, and the number of forms eliminated, 3823

~~simplified, or standardized through, centralized forms management.~~ 3824
~~The results of the evaluation shall be reported to the speaker of~~ 3825
~~the house of representatives and president of the senate not later~~ 3826
~~than the fifteenth day of January each year. The center shall~~ 3827
~~report on the first day of each month to the state records~~ 3828
~~administrator on its activities during the preceding month.~~ 3829

Sec. 125.95. (A) ~~The administrator of the state forms~~ 3830
~~management control center~~ program may permit any state agency to 3831
manage fully any forms used or proposed to be used by it, whenever 3832
the ~~administrator~~ program determines that the delegation will 3833
result in the most timely and economical method of accomplishing 3834
the objectives of the ~~forms management~~ program as set forth in 3835
section 125.93 of the Revised Code. A determination to delegate to 3836
a state agency authority to manage forms may, among other matters, 3837
take into consideration the benefits of central management of any 3838
form in relation to the costs associated with ~~such that~~ 3839
management. 3840

(B) To expedite the collection and disposition of general 3841
state and local revenue, the ~~administrator~~ state forms management 3842
program shall permit, without prior authorization, the tax 3843
commissioner to design, print or have printed, distribute, and 3844
require the use of those forms ~~which that~~ the tax commissioner 3845
determines are necessary for the proper administration of those 3846
taxes and programs ~~he~~ the tax commissioner administers except as 3847
provided in division (A) of section 4307.05 of the Revised Code. 3848
The tax commissioner shall report to the ~~administrator~~ program not 3849
later than fifteen days after the close of each calendar quarter 3850
with respect to the forms activities occurring within ~~his~~ the tax 3851
commissioner's agency during the preceding calendar quarter. 3852

Sec. 125.96. The director of administrative services may 3853
adopt, amend, or rescind rules necessary to carry out the powers 3854

and duties imposed upon the state forms management ~~control center~~ 3855
~~and its administrator program and state agencies~~ by sections 3856
125.92 to 125.98 of the Revised Code. The director shall adopt, 3857
and may amend or rescind, rules providing ~~that~~ each of the 3858
following: 3859

(A) After a date to be determined by the ~~administrator~~ state 3860
forms management program, no state agency shall utilize any form, 3861
other than a form subject to division (B) of section 125.95 of the 3862
Revised Code, the management of which has not been delegated to 3863
the agency by the ~~administrator~~ program under division (A) of that 3864
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 3865
by the ~~center~~ program. 3866

(B) The notice required by section 125.97 of the Revised Code 3867
shall appear in a standard place and a standard manner on each 3868
form to which the notice applies, and shall include specified 3869
indicia of approval by the ~~administrator~~ state forms management 3870
program. 3871

(C) Any form required by a state agency on an emergency basis 3872
may be given interim approval by the ~~administrator~~ state forms 3873
management program if the form is accompanied by a letter from the 3874
director or other head of the agency setting forth the nature of 3875
the emergency and requesting interim approval. 3876

Sec. 125.98. (A) Each state agency shall appoint a forms 3877
management representative, who may be from existing personnel. The 3878
appointee shall cooperate with, and provide other necessary 3879
assistance to, the director of administrative services and the 3880
~~administrator of the state forms management control center~~ program 3881
in implementing the ~~state forms management~~ program. A forms 3882
management representative shall do all of the following: 3883

(1) Manage the agency's forms management program and 3884
cooperate with and provide other necessary assistance to the 3885

director of administrative services in implementing the state 3886
forms management program; 3887

(2) Monitor the use and reproduction of all forms to ensure 3888
that all policies, procedures, guidelines, and standards 3889
established by the agency and the director of administrative 3890
services are followed; 3891

(3) Ensure that every form used by the agency is presented to 3892
the state forms management ~~control center~~ program for registration 3893
prior to its reproduction; 3894

(4) Maintain a master forms file history file, in numeric 3895
order, of all agency forms; 3896

(5) Verify and update the information on all forms ~~computer~~ 3897
~~file reports returned to the agency by the state forms management~~ 3898
~~control center~~ in the central forms repository database. 3899

(B) Any state agency, as ~~such term is~~ defined in section 1.60 3900
of the Revised Code, not included within the definition of a state 3901
agency in section 125.91 of the Revised Code may elect to 3902
participate in the state forms management program. The ~~center~~ 3903
program may provide to any such agency any service required or 3904
authorized by sections 125.92 to 125.98 of the Revised Code to be 3905
performed for a state agency. 3906

Sec. 126.03. (A) The director of budget and management shall: 3907
3908

(1) Prepare biennially a capital plan and, with the 3909
concurrence of the governor, submit it to the general assembly. 3910
The capital plan shall contain recommendations as to the 3911
acquisition of real estate and the construction of public 3912
improvements. The capital plan shall extend through a period of at 3913
least six years in the future and shall identify the projects 3914
which should be undertaken in each biennium of the period through 3915

which the plan extends, together with estimated costs of all such 3916
recommended projects. 3917

(2) Require biennially, from the chief administrative 3918
authorities of affected state agencies, their recommendations as 3919
to the acquisition of real estate and construction of public 3920
improvements which will be needed through a period of at least six 3921
years in the future, together with a description of each proposed 3922
public improvement and the estimated capacity of the improvement 3923
in terms of its proposed use; a demonstration of the need for the 3924
real estate or public improvement, including the effects and 3925
efficacy of any such improvement relative to meeting the projected 3926
needs of affected clients and customers based on a survey and 3927
analysis by the agency of those needs; the benefits in 3928
governmental operations expected to result from the acquisition or 3929
construction; the state agencies ~~which~~ that will occupy or 3930
control the real estate or improvement; and the location of the 3931
real estate or public improvement. The director shall evaluate 3932
such recommended projects as to their validity ~~and as to~~, the 3933
comparative degree of need among them, and their efficacy in 3934
meeting client and customer needs based on the information 3935
submitted; notify the chief administrative authorities of the 3936
recommending agencies of the action taken on each such 3937
recommendation; and consult with and seek the recommendations of 3938
the chief administrative authorities of the affected agencies on 3939
all projects being considered for inclusion in the capital plan, 3940
whether originally proposed by the director of budget and 3941
management or by a state agency. 3942

(3) At the request and with the concurrence of the governor, 3943
prepare and recommend to the general assembly a biennial capital 3944
budget that includes the recommendations of the director as to 3945
projects to be undertaken or revised during the fiscal biennium 3946
following the latest biennium for which a capital appropriations 3947

act was enacted. The capital budget shall include all projects 3948
~~which~~ that the director considers to be necessary and feasible, 3949
whether originally proposed by the director or by a state agency. 3950
Submitted with that budget shall be a summary of the client and 3951
customer needs information submitted under division (A)(2) of this 3952
section for the included projects. 3953

(B) In the capital plan and capital budget prepared under 3954
this section, the director of budget and management shall not 3955
provide for the acquisition of rights-of-way for, construction of, 3956
or reconstruction of transportation facilities by the director of 3957
transportation, other than transportation facilities financed by 3958
the Ohio building authority. Division (A)(2) of this section does 3959
not require the director of transportation to provide to the 3960
director of budget and management recommendations for the 3961
acquisition of rights-of-way for, construction of, or 3962
reconstruction of transportation facilities, other than 3963
transportation facilities financed by the Ohio building authority. 3964

Sec. 126.11. (A)(1) The director of budget and management 3965
shall, upon consultation with the treasurer of state, coordinate 3966
and approve the scheduling of initial sales of publicly offered 3967
securities of the state and of publicly offered fractionalized 3968
interests in or securitized issues of public obligations of the 3969
state. The director shall from time to time develop and distribute 3970
to state issuers an approved sale schedule for each of the 3971
obligations covered by division (A) or (B) of this section. 3972
Division (A) of this section applies only to those obligations on 3973
which the state or a state agency is the direct obligor or obligor 3974
on any backup security or related credit enhancement facility or 3975
source of money subject to state appropriations that is intended 3976
for payment of those obligations. 3977

(2) The issuers of obligations pursuant to section 151.03, 3978

151.04, 151.05, 151.07, or 151.09 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 , 151.08, or 151.40 or Chapter 154. 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 4010
underwriters; a copy of the final offering document and of the 4011
transcript of proceedings; and any other pertinent information 4012
requested by the director. 4013

(4) The issuers of obligations pursuant to Chapter 166., 4014
~~4981.,~~ 5507., 5540., or 6121., or section 5531.10, of the Revised 4015
Code shall submit to the director: 4016

(a) For review and comment: the projected sale date, amount, 4017
and type of obligations proposed to be sold; the purpose, 4018
security, and source of payment; and preliminary and final 4019
offering documents; 4020

(b) Promptly after each sale of those obligations: final 4021
terms, including a maturity schedule; names of the original 4022
purchasers or underwriters; a copy of the complete continuing 4023
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 4024
rule as from time to time in effect; and any other pertinent 4025
information requested by the director. 4026

(5) Not later than thirty days after the end of a fiscal 4027
year, each issuer of obligations subject to divisions (A) and (B) 4028
of this section shall submit to the director and to the treasurer 4029
of state a sale plan for the then current fiscal year for each 4030
type of obligation, projecting the amount and term of each 4031
issuance, the method of sale, and the month of sale. 4032

(B) Issuers of obligations pursuant to section 3318.085 or 4033
Chapter 175., 3366., 3706., 3737., 5537., 6121., or 6123. of the 4034
Revised Code shall submit to the director copies of the 4035
preliminary and final offering documents upon their availability 4036
if not previously submitted pursuant to division (A) of this 4037
section. 4038

(C) Not later than the first day of January of each year, 4039
every state agency obligated to make payments on outstanding 4040

public obligations with respect to which fractionalized interests 4041
have been publicly issued, such as certificates of participation, 4042
shall submit a report to the director of the amounts payable from 4043
state appropriations under those public obligations during the 4044
then current and next two fiscal years, identifying the 4045
appropriation or intended appropriation from which payment is 4046
expected to be made. 4047

(D)(1) Information relating generally to the historic, 4048
current, or future demographics or economy or financial condition 4049
or funds or general operations of the state, and descriptions of 4050
any state contractual obligations relating to public obligations, 4051
to be contained in any offering document, continuing disclosure 4052
document, or written presentation prepared, approved, or provided, 4053
or committed to be provided, by an issuer in connection with the 4054
original issuance and sale of, or rating, remarketing, or credit 4055
enhancement facilities relating to, public obligations referred to 4056
in division (A) of this section shall be approved as to format and 4057
accuracy by the director before being presented, published, or 4058
disseminated in preliminary, draft, or final form, or publicly 4059
filed in paper, electronic, or other format. 4060

(2) Except for information described in division (D)(1) of 4061
this section that is to be contained in an offering document, 4062
continuing disclosure document, or written presentation, division 4063
(D)(1) of this section does not inhibit direct communication 4064
between an issuer and a rating agency, remarketing agent, or 4065
credit enhancement provider concerning an issuance of public 4066
obligations referred to in division (A) of this section or matters 4067
associated with that issuance. 4068

(3) The materials approved and provided pursuant to division 4069
(D) of this section are the information relating to the particular 4070
subjects provided by the state or state agencies that are required 4071
or contemplated by any applicable state or federal securities laws 4072

and any commitments by the state or state agencies made under 4073
those laws. Reliance for the purpose should not be placed on any 4074
other information publicly provided, in any format including 4075
electronic, by any state agency for other purposes, including 4076
general information provided to the public or to portions of the 4077
public. A statement to that effect shall be included in those 4078
materials so approved or provided. 4079

(E) Issuers of obligations referred to in division (A) of 4080
this section may take steps, by formal agreement, covenants in the 4081
proceedings, or otherwise, as may be necessary or appropriate to 4082
comply or permit compliance with applicable lawful disclosure 4083
requirements relating to those obligations, and may, subject to 4084
division (D) of this section, provide, make available, or file 4085
copies of any required disclosure materials as necessary or 4086
appropriate. Any such formal agreement or covenant relating to 4087
subjects referred to in division (D) of this section, and any 4088
description of that agreement or covenant to be contained in any 4089
offering document, shall be approved by the director before being 4090
entered into or published or publicly disseminated in preliminary, 4091
draft, or final form or publicly filed in paper, electronic, or 4092
other format. The director shall be responsible for making all 4093
filings in compliance with those requirements relating to direct 4094
obligations of the state, including fractionalized interests in 4095
those obligations. 4096

(F) No state agency or official shall, without the approval 4097
of the director of budget and management, do either of the 4098
following: 4099

(1) Enter into or commit to enter into a public obligation 4100
under which fractionalized interests in the payments are to be 4101
publicly offered, which payments are anticipated to be made from 4102
money from any source appropriated or to be appropriated by the 4103
general assembly or in which the provision stated in section 9.94 4104

of the Revised Code is not included; 4105

(2) Except as otherwise expressly authorized for the purpose 4106
by law, agree or commit to provide, from money from any source to 4107
be appropriated in the future by the general assembly, financial 4108
assistance to or participation in the costs of capital facilities, 4109
or the payment of debt charges, directly or by way of a credit 4110
enhancement facility, a reserve, rental payments, or otherwise, on 4111
obligations issued to pay costs of capital facilities. 4112

(G) As used in this section, "credit enhancement facilities," 4113
"debt charges," "fractionalized interests in public obligations," 4114
"obligor," "public issuer," and "securities" have the same 4115
meanings as in section 133.01 of the Revised Code; "public 4116
obligation" has the same meaning as in division (GG)(2) of section 4117
133.01 of the Revised Code; "obligations" means securities or 4118
public obligations or fractionalized interests in them; "issuers" 4119
means issuers of securities or state obligors on public 4120
obligations; "offering document" means an official statement, 4121
offering circular, private placement memorandum, or prospectus, or 4122
similar document; and "director" means the director of budget and 4123
management or the employee of the office of budget and management 4124
designated by the director for the purpose. 4125

Sec. 127.16. (A) Upon the request of either a state agency or 4126
the director of budget and management and after the controlling 4127
board determines that an emergency or a sufficient economic reason 4128
exists, the controlling board may approve the making of a purchase 4129
without competitive selection as provided in division (B) of this 4130
section. 4131

(B) Except as otherwise provided in this section, no state 4132
agency, using money that has been appropriated to it directly, 4133
shall: 4134

(1) Make any purchase from a particular supplier, that would 4135

amount to fifty thousand dollars or more when combined with both 4136
the amount of all disbursements to the supplier during the fiscal 4137
year for purchases made by the agency and the amount of all 4138
outstanding encumbrances for purchases made by the agency from the 4139
supplier, unless the purchase is made by competitive selection or 4140
with the approval of the controlling board; 4141

(2) Lease real estate from a particular supplier, if the 4142
lease would amount to seventy-five thousand dollars or more when 4143
combined with both the amount of all disbursements to the supplier 4144
during the fiscal year for real estate leases made by the agency 4145
and the amount of all outstanding encumbrances for real estate 4146
leases made by the agency from the supplier, unless the lease is 4147
made by competitive selection or with the approval of the 4148
controlling board. 4149

(C) Any person who authorizes a purchase in violation of 4150
division (B) of this section shall be liable to the state for any 4151
state funds spent on the purchase, and the attorney general shall 4152
collect the amount from the person. 4153

(D) Nothing in division (B) of this section shall be 4154
construed as: 4155

(1) A limitation upon the authority of the director of 4156
transportation as granted in sections 5501.17, 5517.02, and 4157
5525.14 of the Revised Code; 4158

(2) Applying to medicaid provider agreements under Chapter 4159
5111. of the Revised Code or payments or provider agreements under 4160
the disability assistance medical assistance program established 4161
under Chapter 5115. of the Revised Code; 4162

(3) Applying to the purchase of examinations from a sole 4163
supplier by a state licensing board under Title XLVII of the 4164
Revised Code; 4165

(4) Applying to entertainment contracts for the Ohio state 4166

fair entered into by the Ohio expositions commission, provided 4167
that the controlling board has given its approval to the 4168
commission to enter into such contracts and has approved a total 4169
budget amount for such contracts as agreed upon by commission 4170
action, and that the commission causes to be kept itemized records 4171
of the amounts of money spent under each contract and annually 4172
files those records with the clerk of the house of representatives 4173
and the clerk of the senate following the close of the fair; 4174

(5) Limiting the authority of the chief of the division of 4175
mineral resources management to contract for reclamation work with 4176
an operator mining adjacent land as provided in section 1513.27 of 4177
the Revised Code; 4178

(6) Applying to investment transactions and procedures of any 4179
state agency, except that the agency shall file with the board the 4180
name of any person with whom the agency contracts to make, broker, 4181
service, or otherwise manage its investments, as well as the 4182
commission, rate, or schedule of charges of such person with 4183
respect to any investment transactions to be undertaken on behalf 4184
of the agency. The filing shall be in a form and at such times as 4185
the board considers appropriate. 4186

(7) Applying to purchases made with money for the per cent 4187
for arts program established by section 3379.10 of the Revised 4188
Code; 4189

(8) Applying to purchases made by the rehabilitation services 4190
commission of services, or supplies, that are provided to persons 4191
with disabilities, or to purchases made by the commission in 4192
connection with the eligibility determinations it makes for 4193
applicants of programs administered by the social security 4194
administration; 4195

(9) Applying to payments by the department of job and family 4196
services under section 5111.13 of the Revised Code for group 4197

health plan premiums, deductibles, coinsurance, and other	4198
cost-sharing expenses;	4199
(10) Applying to any agency of the legislative branch of the	4200
state government;	4201
(11) Applying to agreements or contracts entered into under	4202
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	4203
(12) Applying to purchases of services by the adult parole	4204
authority under section 2967.14 of the Revised Code or by the	4205
department of youth services under section 5139.08 of the Revised	4206
Code;	4207
(13) Applying to dues or fees paid for membership in an	4208
organization or association;	4209
(14) Applying to purchases of utility services pursuant to	4210
section 9.30 of the Revised Code;	4211
(15) Applying to purchases made in accordance with rules	4212
adopted by the department of administrative services of motor	4213
vehicle, aviation, or watercraft fuel, or emergency repairs of	4214
such vehicles;	4215
(16) Applying to purchases of tickets for passenger air	4216
transportation;	4217
(17) Applying to purchases necessary to provide public	4218
notifications required by law or to provide notifications of job	4219
openings;	4220
(18) Applying to the judicial branch of state government;	4221
(19) Applying to purchases of liquor for resale by the	4222
division of liquor control;	4223
(20) Applying to purchases of motor courier and freight	4224
services made in accordance with department of administrative	4225
services rules;	4226

(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;	4227 4228 4229 4230
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4231 4232 4233
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4234 4235
(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;	4236 4237 4238 4239
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	4240 4241
(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;	4242 4243 4244 4245 4246
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 <u>5123.199</u> of the Revised Code;	4247 4248 4249
(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;	4250 4251 4252
(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	4253 4254 4255 4256

unclaimed funds collected by those persons and amounts paid to 4257
them for their services. 4258

(30) Applying to purchases made by a state institution of 4259
higher education in accordance with the terms of a contract 4260
between the vendor and an inter-university purchasing group 4261
comprised of purchasing officers of state institutions of higher 4262
education; 4263

(31) Applying to the department of job and family services' 4264
purchases of health assistance services under the children's 4265
health insurance program part I provided for under section 5101.50 4266
of the Revised Code or the children's health insurance program 4267
part II provided for under section 5101.51 of the Revised Code; 4268

(32) Applying to payments by the attorney general from the 4269
reparations fund to hospitals and other emergency medical 4270
facilities for performing medical examinations to collect physical 4271
evidence pursuant to section 2907.28 of the Revised Code; 4272

(33) Applying to contracts with a contracting authority or 4273
administrative receiver under division (G)(2) of section 5126.055 4274
of the Revised Code. 4275

(E) Notwithstanding division (B)(1) of this section, the 4276
cumulative purchase threshold shall be seventy-five thousand 4277
dollars for the departments of mental retardation and 4278
developmental disabilities, mental health, rehabilitation and 4279
correction, and youth services. 4280

(F) When determining whether a state agency has reached the 4281
cumulative purchase thresholds established in divisions (B)(1), 4282
(B)(2), and (E) of this section, all of the following purchases by 4283
such agency shall not be considered: 4284

(1) Purchases made through competitive selection or with 4285
controlling board approval; 4286

(2) Purchases listed in division (D) of this section;	4287
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	4288 4289
(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.	4290 4291 4292
Sec. 131.02. (A) Whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury <u>or into the appropriate custodial fund</u> in the manner set forth pursuant to section 113.08 of the Revised Code. If the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof.	4293 4294 4295 4296 4297 4298 4299 4300 4301 4302 4303
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	4304 4305 4306
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., or 5747. of the Revised Code, the notice also shall specify all of the following:	4307 4308 4309
(a) The assessment or case number;	4310
(b) The tax pursuant to which the assessment is made;	4311
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	4312 4313
(d) An explanation of how and when interest will be added to the amount assessed;	4314 4315

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the ~~base rate per annum for advances and discounts to member banks in effect at the federal reserve bank in~~ required by section 5703.47 of the second federal reserve district Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do ~~either or both~~ any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

Sec. 131.23. The various political subdivisions of this state may issue bonds, and any indebtedness created by such issuance shall not be subject to the limitations or included in the calculation of indebtedness prescribed by sections 133.05, 133.06, 133.07, and 133.09 of the Revised Code, but such bonds may be issued only under the following conditions:

(A) The subdivision desiring to issue such bonds shall obtain

from the county auditor a certificate showing the total amount of 4346
delinquent taxes due and unpayable to such subdivision at the last 4347
semiannual tax settlement. 4348

(B) The fiscal officer of that subdivision shall prepare a 4349
statement, from the books of the subdivision, verified by ~~him~~ the 4350
fiscal officer under oath, which shall contain the following facts 4351
of such subdivision: 4352

(1) The total bonded indebtedness; 4353

(2) The aggregate amount of notes payable or outstanding 4354
accounts of the subdivision, incurred prior to the commencement of 4355
the current fiscal year, which shall include all evidences of 4356
indebtedness issued by the subdivision except notes issued in 4357
anticipation of bond issues and the indebtedness of any 4358
nontax-supported public utility; 4359

(3) Except in the case of school districts, the aggregate 4360
current year's requirement for disability financial assistance and 4361
disability medical assistance provided under Chapter 5115. of the 4362
Revised Code that the subdivision is unable to finance except by 4363
the issue of bonds; 4364

(4) The indebtedness outstanding through the issuance of any 4365
bonds or notes pledged or obligated to be paid by any delinquent 4366
taxes; 4367

(5) The total of any other indebtedness; 4368

(6) The net amount of delinquent taxes unpledged to pay any 4369
bonds, notes, or certificates, including delinquent assessments on 4370
improvements on which the bonds have been paid; 4371

(7) The budget requirements for the fiscal year for bond and 4372
note retirement; 4373

(8) The estimated revenue for the fiscal year. 4374

(C) The certificate and statement provided for in divisions 4375

(A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section.

(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance and disability medical assistance, as shown by division (B)(3) of this section.

(E) The tax commissioner shall grant to such subdivision authority requested by such subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public.

(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of such subdivision by forwarding a copy of such grant of authority and of the statement provided for in division (B) of this section.

(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may by resolution submit to the electors of that subdivision the question of issuing such bonds. Such resolution shall make the declarations and statements required by section 133.18 of the Revised Code. The county auditor and taxing authority shall thereupon proceed as set forth in divisions (C) and (D) of such section. The election on the

question of issuing such bonds shall be held under divisions (E), 4408
(F), and (G) of such section, except that publication of the 4409
notice of such election shall be made on four separate days prior 4410
to such election in one or more newspapers of general circulation 4411
in the subdivisions. Such bonds may be exchanged at their face 4412
value with creditors of the subdivision in liquidating the 4413
indebtedness described and enumerated in division (B)(2) of this 4414
section or may be sold as provided in Chapter 133. of the Revised 4415
Code, and in either event shall be uncontestable. 4416

(H) The per cent of delinquent taxes and assessments 4417
collected for and to the credit of the subdivision after the 4418
exchange or sale of bonds as certified by the commissioner shall 4419
be paid to the authority having charge of the sinking fund of the 4420
subdivision, which money shall be placed in a separate fund for 4421
the purpose of retiring the bonds so issued. The proper authority 4422
of the subdivisions shall provide for the levying of a tax 4423
sufficient in amount to pay the debt charges on all such bonds 4424
issued under this section. 4425

(I) This section is for the sole purpose of assisting the 4426
various subdivisions in paying their unsecured indebtedness, and 4427
providing funds for disability financial assistance and disability 4428
medical assistance. The bonds issued under authority of this 4429
section shall not be used for any other purpose and any exchange 4430
for other purposes, or the use of the money derived from the sale 4431
of such bonds by the subdivision for any other purpose, is 4432
misapplication of funds. 4433

(J) The bonds authorized by this section shall be redeemable 4434
or payable in not to exceed ten years from date of issue and shall 4435
not be subject to or considered in calculating the net 4436
indebtedness of the subdivision. The budget commission of the 4437
county in which the subdivision is located shall annually allocate 4438
such portion of the then delinquent levy due such subdivision 4439

which is unpledged for other purposes to the payment of debt 4440
charges on the bonds issued under authority of this section. 4441

(K) The issue of bonds under this section shall be governed 4442
by Chapter 133. of the Revised Code, respecting the terms used, 4443
forms, manner of sale, and redemption except as otherwise provided 4444
in this section. 4445

The board of county commissioners of any county may issue 4446
bonds authorized by this section and distribute the proceeds of 4447
such bond issues to any or all of the cities and townships of such 4448
counties, according to their relative needs for disability 4449
financial assistance and disability medical assistance as 4450
determined by such county. 4451

All sections of the Revised Code inconsistent with or 4452
prohibiting the exercise of the authority conferred by this 4453
section are inoperative respecting bonds issued under this 4454
section. 4455

Sec. 131.35. (A) With respect to the federal funds received 4456
into any fund of the state from which transfers may be made under 4457
division (D) of section 127.14 of the Revised Code: 4458

(1) No state agency may make expenditures of any federal 4459
funds, whether such funds are advanced prior to expenditure or as 4460
reimbursement, unless such expenditures are made pursuant to 4461
specific appropriations of the general assembly ~~identifying the~~ 4462
~~federal program that is the source of funds, are authorized~~ 4463
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 4464
the controlling board pursuant to division (A)(5) of this section, 4465
or are authorized by an executive order issued in accordance with 4466
section 107.17 of the Revised Code, and until an allotment has 4467
been approved by the director of budget and management. All 4468
federal funds received by a state agency shall be reported to the 4469
director within fifteen days of the receipt of such funds or the 4470

notification of award, whichever occurs first. The director shall 4471
prescribe the forms and procedures to be used when reporting the 4472
receipt of federal funds. 4473

(2) If the federal funds received are greater than the amount 4474
of such funds appropriated by the general assembly for a specific 4475
purpose, the total appropriation of federal and state funds for 4476
such purpose shall remain at the amount designated by the general 4477
assembly, except that the expenditure of federal funds received in 4478
excess of such specific appropriation may be authorized by the 4479
controlling board. 4480

(3) To the extent that the expenditure of excess federal 4481
funds is authorized, the controlling board may transfer a like 4482
amount of general revenue fund appropriation authority from the 4483
affected agency to the emergency purposes appropriation of the 4484
controlling board, if such action is permitted under federal 4485
regulations. 4486

(4) Additional funds may be created by the controlling board 4487
to receive revenues not anticipated in an appropriations act for 4488
the biennium in which such new revenues are received. Expenditures 4489
from such additional funds may be authorized by the controlling 4490
board, but such authorization shall not extend beyond the end of 4491
the biennium in which such funds are created. 4492

(5) Controlling board authorization for a state agency to 4493
make an expenditure of federal funds constitutes authority for the 4494
agency to participate in the federal program providing the funds, 4495
and the agency is not required to obtain an executive order under 4496
section 107.17 of the Revised Code to participate in the federal 4497
program. 4498

(B) With respect to nonfederal funds received into the 4499
waterways safety fund, the wildlife fund, and any fund of the 4500
state from which transfers may be made under division (D) of 4501

section 127.14 of the Revised Code:	4502
(1) No state agency may make expenditures of any such funds unless the expenditures are made pursuant to specific appropriations of the general assembly.	4503 4504 4505
(2) If the receipts received into any fund are greater than the amount appropriated, the appropriation for that fund shall remain at the amount designated by the general assembly or as increased and approved by the controlling board.	4506 4507 4508 4509
(3) Additional funds may be created by the controlling board to receive revenues not anticipated in an appropriations act for the biennium in which such new revenues are received. Expenditures from such additional funds may be authorized by the controlling board, but such authorization shall not extend beyond the end of the biennium in which such funds are created.	4510 4511 4512 4513 4514 4515
(C) The controlling board shall not authorize more than ten per cent of additional spending from the occupational licensing and regulatory fund, created in section 4743.05 of the Revised Code, in excess of any appropriation made by the general assembly to a licensing agency except an appropriation for costs related to the examination or reexamination of applicants for a license. As used in this division, "licensing agency" and "license" have the same meanings as in section 4745.01 of the Revised Code.	4516 4517 4518 4519 4520 4521 4522 4523
Sec. 135.22. (A) For purposes of this section:	4524
(1) "Treasurer" has the same meaning as in section 135.01 of the Revised Code, but does not include the treasurer of state. "Treasurer" includes any person whose duties include making investment decisions with respect to the investment or deposit of interim moneys.	4525 4526 4527 4528 4529
(2) "Subdivision" has the same meaning as in section 135.01 of the Revised Code.	4530 4531

(B) To enhance the background and working knowledge of 4532
treasurers in investments, cash management, and ethics, the 4533
treasurer of state shall provide annual continuing education 4534
programs for treasurers. A treasurer ~~annually~~ on a biennial basis 4535
shall complete the continuing education programs described in this 4536
section, unless the treasurer ~~annually~~ provides a notice of 4537
exemption described in division (E) of this section. 4538

(C) The treasurer of state shall determine the manner, 4539
content, and length of the continuing education programs after 4540
consultation with appropriate statewide organizations of local 4541
government officials. 4542

(D) Upon successful completion of a continuing education 4543
program required by this section, the treasurer of state shall 4544
issue a certificate indicating that the treasurer has successfully 4545
completed the continuing education program prescribed by the 4546
treasurer of state. The treasurer of state shall forward to the 4547
auditor of state any certificates issued pursuant to this division 4548
by the treasurer of state. The auditor of state shall maintain in 4549
the ~~auditor's~~ auditor of state's records any certificates 4550
forwarded by the treasurer of state pursuant to this division. As 4551
part of the auditor of state's audit of the subdivision conducted 4552
in accordance with section 117.11 of the Revised Code, the auditor 4553
of state shall report whether the treasurer is in compliance with 4554
this section of the Revised Code. 4555

(E) Division (B) of this section does not apply to any 4556
treasurer who ~~annually~~ provides a notice of exemption to the 4557
auditor of state. The notice shall be certified by the treasurer 4558
of state and shall provide that the treasurer is not subject to 4559
the continuing education requirements set forth in division (B) of 4560
this section, because the treasurer invests or deposits public 4561
moneys in the following investments only: 4562

(1) Interim deposits pursuant to division (B)(3) of section 135.14 of the Revised Code;	4563 4564
(2) No-load money market mutual funds pursuant to division (B)(5) of section 135.14 of the Revised Code;	4565 4566
(3) The Ohio subdivision's fund pursuant to division (B)(6) of section 135.14 of the Revised Code.	4567 4568
(F) In carrying out the duties required by this section, the treasurer of state may charge the subdivision served by the treasurer a registration fee that will meet actual and necessary expenses in connection with the training of the treasurer, including instruction fees, site acquisition costs, and the cost of course materials. Any necessary personal expenses of a treasurer incurred as a result of attending the continuing education courses shall be borne by the subdivision represented by the treasurer.	4569 4570 4571 4572 4573 4574 4575 4576 4577
(G) The treasurer of state may allow any other interested person to attend any of the continuing education programs that are held pursuant to this section, provided that before attending any such continuing education program, the interested person has paid to the treasurer of state the full registration fee set for the continuing education program.	4578 4579 4580 4581 4582 4583
(H) All funds collected pursuant to this section shall be paid into the county treasurer education fund created pursuant to section 321.46 of the Revised Code, and the actual and necessary expenses of the treasurer of state in conducting the continuing education programs required by this section shall be paid from this fund.	4584 4585 4586 4587 4588 4589
(I) The treasurer of state may adopt reasonable rules not inconsistent with this section for the implementation of this section.	4590 4591 4592

Sec. 141.011. Beginning in calendar year 2001, the annual 4593
salaries of the elective officers of the state shall be as follows 4594
rather than as prescribed by divisions (A) to (F) of section 4595
141.01 of the Revised Code: 4596

(A)(1) In calendar year 2001 the annual salary of the 4597
governor shall be one hundred twenty-six thousand four hundred 4598
ninety-seven dollars. 4599

(2) In calendar years 2002 through 2006 the annual salary of 4600
the governor shall be one hundred thirty thousand two hundred 4601
ninety-two dollars. 4602

(3) In calendar year 2007 the annual salary of the governor 4603
shall be the annual salary in 2006 increased by each of the 4604
following percentages in succession: 4605

(a) The lesser of three per cent or the percentage increase, 4606
if any, in the consumer price index from October 1, 2001, to 4607
September 30, 2002, rounded to the nearest one-tenth of one per 4608
cent; 4609

(b) The lesser of three per cent or the percentage increase, 4610
if any, in the consumer price index from October 1, 2002, to 4611
September 30, 2003, rounded to the nearest one-tenth of one per 4612
cent; 4613

(c) The lesser of three per cent or the percentage increase, 4614
if any, in the consumer price index from October 1, 2003, to 4615
September 30, 2004, rounded to the nearest one-tenth of one per 4616
cent; 4617

(d) The lesser of three per cent or the percentage increase, 4618
if any, in the consumer price index from October 1, 2004, to 4619
September 30, 2005, rounded to the nearest one-tenth of one per 4620
cent; 4621

(e) The lesser of three per cent or the percentage increase, 4622

if any, in the consumer price index from October 1, 2005, to 4623
September 30, 2006, rounded to the nearest one-tenth of one per 4624
cent. 4625

(4) In calendar year 2008 and thereafter, the annual salary 4626
of the governor shall be the annual salary in 2007 increased by 4627
the lesser of the following: 4628

(a) Three per cent; 4629

(b) The percentage increase, if any, in the consumer price 4630
index from October 1, 2006, to September 30, 2007, rounded to the 4631
nearest one-tenth of one per cent. 4632

(B)(1) In calendar year 2001 the annual salary of the 4633
lieutenant governor shall be sixty-six thousand three hundred six 4634
dollars. 4635

(2) In calendar years 2002 through 2006 the annual salary of 4636
the lieutenant governor shall be sixty-eight thousand two hundred 4637
ninety-five dollars. 4638

(3) In calendar year 2007 the annual salary of the lieutenant 4639
governor shall be the annual salary in 2006 increased by each of 4640
the following percentages in succession: 4641

(a) The lesser of three per cent or the percentage increase, 4642
if any, in the consumer price index from October 1, 2001, to 4643
September 30, 2002, rounded to the nearest one-tenth of one per 4644
cent; 4645

(b) The lesser of three per cent or the percentage increase, 4646
if any, in the consumer price index from October 1, 2002, to 4647
September 30, 2003, rounded to the nearest one-tenth of one per 4648
cent; 4649

(c) The lesser of three per cent or the percentage increase, 4650
if any, in the consumer price index from October 1, 2003, to 4651
September 30, 2004, rounded to the nearest one-tenth of one per 4652

cent; 4653

(d) The lesser of three per cent or the percentage increase, 4654
if any, in the consumer price index from October 1, 2004, to 4655
September 30, 2005, rounded to the nearest one-tenth of one per 4656
cent; 4657

(e) The lesser of three per cent or the percentage increase, 4658
if any, in the consumer price index from October 1, 2005, to 4659
September 30, 2006, rounded to the nearest one-tenth of one per 4660
cent. 4661

(4) In calendar year 2008 and thereafter, the annual salary 4662
of the lieutenant governor shall be the annual salary in 2007 4663
increased by the lesser of the following: 4664

(a) Three per cent; 4665

(b) The percentage increase, if any, in the consumer price 4666
index from October 1, 2006 to September 30, 2007, rounded to the 4667
nearest one-tenth of one per cent. 4668

If the governor appoints the lieutenant governor as an 4669
administrative department head ~~or as the director of the office of~~ 4670
~~criminal justice services under section 108.05 of the Revised~~ 4671
~~Code,~~ the lieutenant governor may accept the salary for that 4672
office while serving as its head in lieu of the salary for the 4673
office of lieutenant governor. 4674

(C)(1) In calendar year 2001 the annual salary of the 4675
secretary of state, auditor of state, treasurer of state, and 4676
attorney general shall be ninety-three thousand four hundred 4677
forty-seven dollars. 4678

(2) In calendar year 2002 the annual salary of the secretary 4679
of state, auditor of state, treasurer of state, and attorney 4680
general shall be ninety-six thousand two hundred fifty dollars. 4681

(3) In each calendar year from 2003 through 2008, the annual 4682

salary of the secretary of state, auditor of state, treasurer of 4683
state, and attorney general shall be increased by the lesser of 4684
the following: 4685

(a) Three per cent; 4686

(b) The percentage increase, if any, in the consumer price 4687
index over the twelve-month period that ends on the thirtieth day 4688
of September of the immediately preceding year, rounded to the 4689
nearest one-tenth of one per cent. 4690

(D) Upon the death of an elected executive officer of the 4691
state listed in divisions (A) to (F) of section 141.01 of the 4692
Revised Code during that person's term of office, an amount shall 4693
be paid in accordance with section 2113.04 of the Revised Code, or 4694
to that person's estate. The amount shall equal the amount of the 4695
salary that the officer would have received during the remainder 4696
of the officer's unexpired term or an amount equal to the salary 4697
of that person's office for two years, whichever is less. 4698

(E) As used in this section, "consumer price index" has the 4699
same meaning as in section 101.27 of the Revised Code. 4700

Sec. 147.01. (A) The secretary of state may appoint and 4701
commission as notaries public as many persons who meet the 4702
qualifications of division (B) of this section as the secretary of 4703
state considers necessary. 4704

(B) In order for a person to qualify to be appointed and 4705
commissioned as a notary public, the person must satisfy both of 4706
the following: 4707

(1) The person has attained the age of eighteen years. 4708

(2) One of the following applies: 4709

(a) The person is a ~~citizen~~ legal resident of this state who 4710
is not an attorney admitted to the practice of law in this state 4711
by the Ohio supreme court. 4712

(b) The person is a ~~citizen~~ legal resident of this state who 4713
is an attorney admitted to the practice of law in this state by 4714
the Ohio supreme court. 4715

(c) The person is not a ~~citizen~~ legal resident of this state, 4716
is an attorney admitted to the practice of law in this state by 4717
the Ohio supreme court, and has the person's principal place of 4718
business or the person's primary practice in this state. 4719

(C) A notary public shall be appointed and commissioned as a 4720
notary public for the state. The secretary of state may revoke a 4721
commission issued to a notary public upon presentation of 4722
satisfactory evidence of official misconduct or incapacity. 4723

Sec. 147.37. Each person receiving a commission as notary 4724
public, ~~except~~ including an attorney admitted to the practice of 4725
law in this state by the Ohio supreme court, shall pay a fee of 4726
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 4727
~~receiving a commission as a notary public who is an attorney~~ 4728
~~admitted to the practice of law in this state by the Ohio supreme~~ 4729
~~court shall pay a fee of ten dollars to the secretary of state.~~ 4730

Sec. 149.011. As used in this chapter: 4731

(A) "Public office" includes any state agency, public 4732
institution, political subdivision, or ~~any~~ other organized body, 4733
office, agency, institution, or entity established by the laws of 4734
this state for the exercise of any function of government. 4735

(B) "State agency" includes every department, bureau, board, 4736
commission, office, or other organized body established by the 4737
constitution and laws of this state for the exercise of any 4738
function of state government, including any state-supported 4739
institution of higher education, the general assembly, ~~or~~ any 4740
legislative agency, any court or judicial agency, or any political 4741
subdivision or agency ~~thereof~~ of a political subdivision. 4742

(C) "Public money" includes all money received or collected 4743
by or due a public official, whether in accordance with or under 4744
authority of any law, ordinance, resolution, or order, under color 4745
of office, or otherwise. It also includes any money collected by 4746
any individual on behalf of a public office or as a purported 4747
representative or agent of the public office. 4748

(D) "Public official" includes all officers, employees, or 4749
duly authorized representatives or agents of a public office. 4750

(E) "Color of office" includes any act purported or alleged 4751
to be done under any law, ordinance, resolution, order, or other 4752
pretension to official right, power, or authority. 4753

(F) "Archive" includes any public record that is transferred 4754
to the state archives or other designated archival institutions 4755
because of the historical information contained on it. 4756

(G) "Records" includes any document, device, or item, 4757
regardless of physical form or characteristic, including an 4758
electronic record as defined in section 1306.01 of the Revised 4759
Code, created or received by or coming under the jurisdiction of 4760
any public office of the state or its political subdivisions, 4761
which serves to document the organization, functions, policies, 4762
decisions, procedures, operations, or other activities of the 4763
office. 4764

Sec. 149.30. The Ohio historical society, chartered by this 4765
state as a corporation not for profit to promote a knowledge of 4766
history and archaeology, especially of Ohio, and operated 4767
continuously in the public interest since 1885, may perform public 4768
functions as prescribed by law. 4769

The general assembly may appropriate money to the Ohio 4770
historical society each biennium to carry out the public functions 4771
of the society as enumerated in this section. An appropriation by 4772

the general assembly to the society constitutes an offer to 4773
contract with the society to carry out those public functions for 4774
which appropriations are made. An acceptance by the society of the 4775
appropriated funds constitutes an acceptance by the society of the 4776
offer and is considered an agreement by the society to perform 4777
those functions in accordance with the terms of the appropriation 4778
and the law and to expend the funds only for the purposes for 4779
which appropriated. The governor may request on behalf of the 4780
society, and the controlling board may release, additional funds 4781
to the society for survey, salvage, repair, or rehabilitation of 4782
an emergency nature for which funds have not been appropriated, 4783
and acceptance by the society of those funds constitutes an 4784
agreement on the part of the society to expend those funds only 4785
for the purpose for which released by the controlling board. 4786

The society shall faithfully expend and apply all moneys 4787
received from the state to the uses and purposes directed by law 4788
and for necessary administrative expenses. The society shall 4789
perform the public function of sending notice by certified mail to 4790
the owner of any property at the time it is listed on the national 4791
register of historic places. The society shall accurately record 4792
all expenditures of such funds in conformity with generally 4793
accepted accounting principles. 4794

The auditor of state shall audit all funds and fiscal records 4795
of the society. 4796

The public functions to be performed by the Ohio historical 4797
society shall include all of the following: 4798

(A) Creating, supervising, operating, protecting, 4799
maintaining, and promoting for public use a system of state 4800
memorials, titles to which may reside wholly or in part with this 4801
state or wholly or in part with the society as provided in and in 4802
conformity to appropriate acts and resolves of the general 4803
assembly, and leasing for renewable periods of two years or less, 4804

with the advice and consent of the attorney general and the 4805
director of administrative services, lands and buildings owned by 4806
the state which are in the care, custody, and control of the 4807
society, all of which shall be maintained and kept for public use 4808
at reasonable hours; 4809

(B) Making alterations and improvements, marking, and 4810
constructing, reconstructing, protecting, or restoring structures, 4811
earthworks, and monuments in its care, and equipping such 4812
facilities with appropriate educational maintenance facilities; 4813

(C) Serving as the archives administration for the state and 4814
its political subdivisions as provided in sections 149.31 to 4815
149.42 of the Revised Code; 4816

(D) Administering a state historical museum, to be the 4817
headquarters of the society and its principal museum and library, 4818
which shall be maintained and kept for public use at reasonable 4819
hours; 4820

(E) Establishing a marking system to identify all designated 4821
historic and archaeological sites within the state and marking or 4822
causing to be marked historic sites and communities considered by 4823
the society to be historically or archaeologically significant; 4824

(F) Publishing books, pamphlets, periodicals, and other 4825
publications about history, archaeology, and natural science and 4826
~~supplying~~ offering one copy of each regular periodical issue to 4827
all public libraries in this state ~~without charge~~ at a reasonable 4828
price, which shall not exceed ten per cent of the total cost of 4829
publication; 4830

(G) Engaging in research in history, archaeology, and natural 4831
science and providing historical information upon request to all 4832
state agencies; 4833

(H) Collecting, preserving, and making available by all 4834
appropriate means and under approved safeguards all manuscript, 4835

print, or near-print library collections and all historical 4836
objects, specimens, and artifacts which pertain to the history of 4837
Ohio and its people, including the following original documents: 4838
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 4839
Ohio Constitution of 1875; design and the letters of patent and 4840
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 4841
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 4842
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 4843
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 4844
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 4845
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 4846
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 4847
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 4848
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 4849
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 4850
(1947); 4851

(I) Encouraging and promoting the organization and 4852
development of county and local historical societies; 4853

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 4854
~~near cost~~ as the society may prepare to facilitate the instruction 4855
of Ohio history at a reasonable price, which shall not exceed ten 4856
per cent of the total cost of preparation; 4857

(K) Providing advisory and technical assistance to local 4858
societies for the preservation and restoration of historic and 4859
archaeological sites; 4860

(L) Devising uniform criteria for the designation of historic 4861
and archaeological sites throughout the state and advising local 4862
historical societies of the criteria and their application; 4863

(M) Taking inventory, in cooperation with the Ohio arts 4864
council, the Ohio archaeological council, and the archaeological 4865
society of Ohio, of significant designated and undesignated state 4866

and local sites and keeping an active registry of all designated 4867
sites within the state; 4868

(N) Contracting with the owners or persons having an interest 4869
in designated historic or archaeological sites or property 4870
adjacent or contiguous to those sites, or acquiring, by purchase, 4871
gift, or devise, easements in those sites or in property adjacent 4872
or contiguous to those sites, in order to control or restrict the 4873
use of those historic or archaeological sites or adjacent or 4874
contiguous property for the purpose of restoring or preserving the 4875
historical or archaeological significance or educational value of 4876
those sites; 4877

(O) Constructing a monument honoring Governor James A. 4878
Rhodes, which shall stand on the northeast quadrant of the grounds 4879
surrounding the capitol building. The monument shall be 4880
constructed with private funds donated to the Ohio historical 4881
society and designated for this purpose. No public funds shall be 4882
expended to construct this monument. The department of 4883
administrative services shall cooperate with the Ohio historical 4884
society in carrying out this function and shall maintain the 4885
monument in a manner compatible with the grounds of the capitol 4886
building. 4887

(P) Commissioning a portrait of each departing governor, 4888
which shall be displayed in the capitol building. The Ohio 4889
historical society may accept private contributions designated for 4890
this purpose and, at the discretion of its board of trustees, also 4891
may apply for the same purpose funds appropriated by the general 4892
assembly to the society pursuant to this section. 4893

(Q) Planning and developing a center at the capitol building 4894
for the purpose of educating visitors about the history of Ohio, 4895
including its political, economic, and social development and the 4896
design and erection of the capitol building and its grounds. The 4897
Ohio historical society may accept contributions of private moneys 4898

and in-kind services designated for this purpose and may, at the discretion of its board of trustees, also apply, for the same purpose, personnel and other resources paid in whole or in part by its state subsidy.

(R) Submitting an annual report of its activities, programs, and operations to the governor within two months after the close of each fiscal year of the state.

The society shall not sell, mortgage, transfer, or dispose of historical or archaeological sites to which it has title and in which the state has monetary interest except by action of the general assembly.

In consideration of the public functions performed by the Ohio historical society for the state, employees of the society shall be considered public employees within the meaning of section 145.01 of the Revised Code.

Sec. 149.33. (A) The department of administrative services shall have ~~full~~ responsibility for establishing and administering a state records program for all state agencies, except for state-supported institutions of higher education. The department shall apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposition of state records.

There is hereby established within the department of administrative services ~~an office of a~~ a state records ~~administration program~~, which shall be under the control and supervision of the director of administrative services or ~~his~~ the ~~director's~~ appointed deputy. ~~The director shall designate an administrator of the office of state records administration.~~

(B) The boards of trustees of state-supported institutions of higher education shall have full responsibility for establishing

and administering a records program for their respective 4929
institutions. The boards shall apply efficient and economical 4930
management methods to the creation, utilization, maintenance, 4931
retention, preservation, and disposition of the records of their 4932
respective institutions. 4933

Sec. 149.331. The state ~~record administration~~ records program 4934
of the department of administrative services shall do all of the 4935
following: 4936

(A) Establish and promulgate in consultation with the state 4937
archivist standards, procedures, and techniques for the effective 4938
management of state records; 4939

~~(B) Make continuing surveys of record-keeping operations and 4940
recommend improvements in current records management practices 4941
including the use of space, equipment, and supplies employed in 4942
creating, maintaining, storing, and servicing records; 4943~~

~~(C) Establish and operate such state records centers and 4944
auxiliary facilities as may be authorized by appropriation and 4945
provide such related services as are deemed necessary for the 4946
preservation, screening, storage, and servicing of state records 4947
pending disposition; 4948~~

~~(D)~~ Review applications for one-time records disposal and 4949
schedules of records retention and destruction submitted by state 4950
agencies in accordance with section 149.333 of the Revised Code; 4951

~~(E)~~(C) Establish "general schedules" proposing the disposal, 4952
after the lapse of specified periods of time, of records of 4953
specified form or character common to several or all agencies that 4954
either have accumulated or may accumulate in such agencies and 4955
that apparently will not, after the lapse of the periods 4956
specified, have sufficient administrative, legal, fiscal, or other 4957
value to warrant their further preservation by the state; 4958

~~(F)(D)~~ Establish and maintain a records management training 4959
program, and provide a basic consulting service, for personnel 4960
involved in record-making and record-keeping functions of 4961
departments, offices, and institutions; 4962

~~(G)~~ Obtain reports from departments, offices, and 4963
institutions necessary for the effective administration of the 4964
program; 4965

~~(H)(E)~~ Provide for the disposition of any remaining records 4966
of any state agency, board, or commission, whether in the 4967
executive, judicial, or legislative branch of government, that has 4968
terminated its operations. After the closing of the Ohio veterans' 4969
children's home, the resident records of the home and the resident 4970
records of the home when it was known as the soldiers' and 4971
sailors' orphans' home required to be maintained by approved 4972
records retention schedules shall be administered by the state 4973
department of education pursuant to this chapter, the 4974
administrative records of the home required to be maintained by 4975
approved records retention schedules shall be administered by the 4976
department of administrative services pursuant to this chapter, 4977
and historical records of the home shall be transferred to an 4978
appropriate archival institution in this state prescribed by the 4979
state ~~record administration~~ records program. 4980

~~(I)(F)~~ Establish a centralized program coordinating 4981
micrographics standards, training, and services for the benefit of 4982
all state agencies; 4983

~~(J)(G)~~ Establish and publish in accordance with the 4984
applicable law necessary procedures and rules for the retention 4985
and disposal of state records. 4986

This section does not apply to the records of state-supported 4987
institutions of higher education, which shall keep their own 4988
records. 4989

Sec. 149.332. Upon request the ~~state records administrator~~ 4990
director of administrative services and the state archivist shall 4991
assist and advise in the establishment of records management 4992
programs in the legislative and judicial branches of state 4993
government and shall, as required by them, provide program 4994
services similar to those available to the executive branch 4995
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 4996
disposal of any records, the state archivist shall be allowed 4997
sixty days to select for preservation in the state archives those 4998
records ~~he~~ the state archivist determines to have continuing 4999
historical value. 5000

Sec. 149.333. No state agency shall retain, destroy, or 5001
otherwise transfer its state records in violation of this section. 5002
This section does not apply to state-supported institutions of 5003
higher education. 5004

Each state agency shall submit to the state records 5005
~~administrator~~ program under the director of administrative 5006
services all applications for records disposal or transfer and all 5007
schedules of records retention and destruction. The state records 5008
~~administrator~~ program shall review ~~such~~ the applications and 5009
schedules and provide written approval, rejection, or modification 5010
of ~~the~~ an application or schedule. The state records ~~administrator~~ 5011
program shall then forward the application for records disposal or 5012
transfer or the schedule for retention or destruction, with the 5013
~~administrator's~~ program's recommendation attached, to the auditor 5014
of state for review and approval. The decision of the auditor of 5015
state to approve, reject, or modify the ~~applications~~ application 5016
or ~~schedules~~ schedule shall be based upon the continuing 5017
administrative and fiscal value of the state records to the state 5018
or to its citizens. If the auditor of state disapproves the action 5019
by the state agency, ~~he~~ the auditor of state shall so inform the 5020

state agency through the state records ~~administrator~~ program 5021
within sixty days, and ~~these~~ the records shall not be destroyed. 5022
~~At~~ 5023

At the same time, the state records ~~administrator~~ program 5024
shall forward the application for records disposal or transfer or 5025
the schedule for retention or destruction to the state archivist 5026
for review and approval. The state archivist shall have sixty days 5027
to select for custody ~~such~~ the state records ~~as he~~ that the state 5028
archivist determines to be of continuing historical value. Records 5029
not ~~so~~ selected shall be disposed of in accordance with this 5030
section. 5031

Sec. 149.34. The head of each state agency, office, 5032
institution, board, or commission shall do the following: 5033

(A) Establish, maintain, and direct an active continuing 5034
program for the effective management of the records of the state 5035
agency; 5036

~~(B) Cooperate with the state records administrator in the 5037
conduct of surveys pursuant to section 149.331 of the Revised 5038
Code;~~ 5039

~~(C)~~ Submit to the state records ~~administrator~~ program, in 5040
accordance with applicable standards and procedures, schedules 5041
proposing the length of time each record series warrants retention 5042
for administrative, legal, or fiscal purposes after it has been 5043
received or created by the agency. The head ~~of each state agency~~ 5044
also shall submit to the state records ~~administrator~~ program 5045
applications for disposal of records in ~~his~~ the head's custody 5046
that are not needed in the transaction of current business and are 5047
not otherwise scheduled for retention or destruction. 5048

~~(D) Transfer to a state records center or auxiliary 5049
facilities, in the manner prescribed by the state records 5050~~

administrator, those records of the agency that can be retained 5051
more efficiently and economically in such a center; 5052

~~(E)~~(C) Within one year after their date of creation or 5053
receipt, schedule all records for disposition or retention in the 5054
manner prescribed by applicable law and procedures. 5055

This section does not apply to state-supported institutions 5056
of higher education. 5057

Sec. 149.35. If any law prohibits the destruction of records, 5058
neither the ~~state records administrator nor~~ director of 5059
administrative services, the director's designee, or the boards of 5060
trustees of state-supported institutions of higher education shall 5061
not order their destruction or other disposition, ~~and, if.~~ If any 5062
law provides that records shall be kept for a specified period of 5063
time, ~~neither the administrator nor~~ director of administrative 5064
services, the director's designee, or the boards shall not order 5065
their destruction or other disposition prior to the expiration of 5066
~~such~~ that period. 5067

Sec. 153.65. As used in sections 153.65 to 153.71 of the 5068
Revised Code: 5069

(A) "Public authority" means the state, ~~or~~ a county, 5070
township, municipal corporation, school district, or other 5071
political subdivision, or any public agency, authority, board, 5072
commission, instrumentality, or special district of the state or a 5073
county, township, municipal corporation, school district, or other 5074
political subdivision. 5075

(B) "Professional design firm" means any person legally 5076
engaged in rendering professional design services. 5077

(C) "Professional design services" means services within the 5078
scope of practice of an architect or landscape architect 5079
registered under Chapter 4703. of the Revised Code or a 5080

professional engineer or surveyor registered under Chapter 4733. 5081
of the Revised Code. 5082

(D) "Qualifications" means all of the following: 5083

(1) Competence of the professional design firm to perform the 5084
required professional design services as indicated by the 5085
technical training, education, and experience of the firm's 5086
personnel, especially the technical training, education, and 5087
experience of the employees within the firm who would be assigned 5088
to perform the services; 5089

(2) Ability of the firm in terms of its workload and the 5090
availability of qualified personnel, equipment, and facilities to 5091
perform the required professional design services competently and 5092
expeditiously; 5093

(3) Past performance of the firm as reflected by the 5094
evaluations of previous clients with respect to such factors as 5095
control of costs, quality of work, and meeting of deadlines; 5096

(4) ~~Other similar~~ Any other relevant factors as determined by 5097
the public authority. 5098

Sec. 153.691. No public authority planning to contract for 5099
professional design services, prior to selecting and ranking 5100
professional design firms and negotiating a contract with the firm 5101
ranked most qualified to perform the required services under 5102
section 153.69 of the Revised Code, shall seek any form of fee 5103
estimate, fee proposal, or other estimate or measure of 5104
compensation. 5105

Sec. 163.06. (A) A public agency, other than an agency 5106
appropriating property for the purposes described in division (B) 5107
of this section, which qualifies pursuant to Section 19 of Article 5108
I, Ohio Constitution, may deposit with the court at the time of 5109
filing the petition the value of such property appropriated 5110

together with the damages, if any, to the residue, as determined 5111
by the public agency, and thereupon take possession of and enter 5112
upon the property appropriated. The right of possession upon 5113
deposit as provided in this division shall not extend to 5114
structures. 5115

(B) A public agency appropriating property for the purpose of 5116
making or repairing roads which shall be open to the public, 5117
without charge, ~~or for the purpose of implementing rail service~~ 5118
~~under Chapter 4981. of the Revised Code,~~ may deposit with the 5119
court at the time of filing the petition the value of such 5120
property appropriated together with the damages, if any, to the 5121
residue, as determined by the public agency, and stated in an 5122
attached declaration of intention to obtain possession and 5123
thereupon take possession of and enter upon the property 5124
appropriated, including structures situated upon the land 5125
appropriated for such purpose or situated partly upon the land 5126
appropriated therefor and partly upon adjoining land, so that such 5127
structures cannot be divided upon the line between such lands 5128
without manifest injury thereto. The jury, in assessing 5129
compensation to any owner of land appropriated under this division 5130
shall assess the value thereof in accordance with section 163.14 5131
of the Revised Code. The owner or occupant of such structures 5132
shall vacate the same within sixty days after service of summons 5133
as required under section 163.07 of the Revised Code, at no cost 5134
to the appropriating agency, after which time the agency may 5135
remove said structures. In the event such structures are to be 5136
removed before the jury has fixed the value of the same, the 5137
court, upon motion of the agency, shall: 5138

(1) Order appraisals to be made by three persons, one to be 5139
named by the owner, one by the county auditor, and one by the 5140
agency. Such appraisals may be used as evidence by the owner or 5141
the agency in the trial of said case but shall not be binding on 5142

said owner, agency, or the jury, and the expense of said 5143
appraisals shall be approved by the court and charged as costs in 5144
said case. 5145

(2) Cause pictures to be taken of all sides of said 5146
structures; 5147

(3) Compile a complete description of said structures, which 5148
shall be preserved as evidence in said case to which the owner or 5149
occupants shall have access. 5150

(C) Any time after the deposit is made by the public agency 5151
under division (A) or (B) of this section, the owner may apply to 5152
the court to withdraw the deposit, and such withdrawal shall in no 5153
way interfere with the action except that the sum so withdrawn 5154
shall be deducted from the sum of the final verdict or award. Upon 5155
such application being made the court shall direct that the sum be 5156
paid to such owner subject to the rights of other parties in 5157
interest provided such parties make timely application as provided 5158
in section 163.18 of the Revised Code. Interest shall not accrue 5159
on any sums withdrawable as provided in this division. 5160

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 5161
created in the state treasury. Seventy-five per cent of the net 5162
proceeds of obligations issued and sold by the issuing authority 5163
pursuant to sections 151.01 and 151.09 of the Revised Code shall 5164
be deposited into the fund. Investment earnings of the fund shall 5165
be credited to the fund. ~~For two years after the effective date of~~ 5166
~~this section, investment earnings credited to the fund~~ and may be 5167
used to pay costs incurred by the Ohio public works commission in 5168
administering sections 164.20 to 164.27 of the Revised Code. 5169
Moneys in the clean Ohio conservation fund shall be used to make 5170
grants to local political subdivisions and nonprofit organizations 5171
for projects that have been approved for grants under sections 5172
164.20 to 164.27 of the Revised Code. 5173

The clean Ohio conservation fund shall be administered by the Ohio public works commission.

(B) For the purpose of grants issued under sections 164.20 to 164.27 of the Revised Code, moneys shall be allocated on an annual basis from the clean Ohio conservation fund to districts represented by natural resources assistance councils as follows:

(1) Each district shall receive an amount that is equal to one-fourth of one per cent of the total annual amount allocated to all districts each year for each county that is represented by the district.

(2) The remaining moneys shall be allocated to each district annually on a per capita basis.

(C) A grant that is awarded under sections 164.20 to 164.27 of the Revised Code may provide up to seventy-five per cent of the estimated cost of a project. Matching funds from a grant recipient may consist of contributions of money by any person, any local political subdivision, or the federal government or of contributions in-kind by such entities through the purchase or donation of equipment, land, easements, interest in land, labor, or materials necessary to complete the project.

(D) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and that information shall be entered in the state accounting system. The director of budget and management may establish appropriate line items or other mechanisms that are needed to track the allocations.

(E) Grants awarded under sections 164.20 to 164.27 of the Revised Code from the clean Ohio conservation fund shall be used by a local political subdivision or nonprofit organization only to pay the costs related to the purposes for which grants may be issued under section 164.22 of the Revised Code and shall not be

used by a local political subdivision or nonprofit organization to 5205
pay any administrative costs incurred by the local political 5206
subdivision or nonprofit organization. 5207

Sec. 173.08. (A) The resident services coordinator program is 5208
established in the department of aging to fund resident services 5209
coordinators. The coordinators shall provide information to 5210
low-income and special-needs tenants, including the elderly, who 5211
live in subsidized rental housing complexes, and assist those 5212
tenants in identifying and obtaining community and program 5213
services and other benefits for which they are eligible. 5214

(B) The resident services coordinator program fund is hereby 5215
created in the state treasury to support the resident services 5216
coordinator program established pursuant to this section. The fund 5217
consists of all moneys the department of development sets aside 5218
pursuant to division (A)(4) of section 175.21 of the Revised Code 5219
and moneys the general assembly appropriates to the fund. 5220

Sec. 173.14. As used in sections 173.14 to 173.26 of the 5221
Revised Code: 5222

(A)(1) Except as otherwise provided in division (A)(2) of 5223
this section, "long-term care facility" includes any residential 5224
facility that provides personal care services for more than 5225
twenty-four hours for two or more unrelated adults, including all 5226
of the following: 5227

(a) A "nursing home," "residential care facility," or "home 5228
for the aging" as defined in section 3721.01 of the Revised Code; 5229

(b) A facility authorized to provide extended care services 5230
under Title XVIII of the "Social Security Act," 49 Stat. 620 5231
(1935), 42 U.S.C. 301, as amended; 5232

(c) A county home or district home operated pursuant to 5233
Chapter 5155. of the Revised Code; 5234

(d) An "adult care facility" as defined in section 3722.01 of the Revised Code;	5235 5236
(e) 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. 630, as amended, and used exclusively for the placement and care of veterans;	5237 5238 5239 5240
(f) An adult foster home certified under section 173.36 of the Revised Code.	5241 5242
(2) "Long-term care facility" does not include a "residential facility" as defined in section 5119.22 of the Revised Code or a "residential facility" as defined in section 5123.19 of the Revised Code.	5243 5244 5245 5246
(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility.	5247 5248 5249
(C) "Community-based long-term care services" means health and social services provided to persons age sixty or older in their own homes or in community care settings, and includes any of the following:	5250 5251 5252 5253
(1) Case management;	5254
(2) Home health care;	5255
(3) Homemaker services;	5256
(4) Chore services;	5257
(5) Respite care;	5258
(6) Adult day care;	5259
(7) Home-delivered meals;	5260
(8) Personal care;	5261
(9) Physical, occupational, and speech therapy;	5262

(10) Any other health and social services provided to persons 5263
~~age sixty or older~~ that allow them to retain their independence in 5264
their own homes or in community care settings. 5265

(D) "Recipient" means a recipient of community-based 5266
long-term care services and, where appropriate, includes a 5267
prospective, previous, or deceased recipient of community-based 5268
long-term care services. 5269

(E) "Sponsor" means an adult relative, friend, or guardian 5270
who has an interest in or responsibility for the welfare of a 5271
resident or a recipient. 5272

(F) "Personal care services" has the same meaning as in 5273
section 3721.01 of the Revised Code. 5274

(G) "Regional long-term care ombudsperson program" means an 5275
entity, either public or private and nonprofit, designated as a 5276
regional long-term care ombudsperson program by the state 5277
long-term care ombudsperson. 5278

(H) "Representative of the office of the state long-term care 5279
ombudsperson program" means the state long-term care ombudsperson 5280
or a member of the ombudsperson's staff, or a person certified as 5281
a representative of the office under section 173.21 of the Revised 5282
Code. 5283

(I) "Area agency on aging" means an area agency on aging 5284
established under the "Older Americans Act of 1965," 79 Stat. 219, 5285
42 U.S.C.A. 3001, as amended. 5286

Sec. 173.26. (A) Each of the following facilities shall 5287
annually pay to the department of aging three dollars for each bed 5288
maintained by the facility for use by a resident during any part 5289
of the previous year: 5290

(1) Nursing homes, residential care facilities, and homes for 5291
the aging as defined in section 3721.01 of the Revised Code; 5292

(2) Facilities authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;	5293 5294 5295
(3) County homes and district homes operated pursuant to Chapter 5155. of the Revised Code;	5296 5297
(4) Adult care facilities as defined in section 3722.01 of the Revised Code;	5298 5299
(5) Adult foster homes certified under section 173.36 of the Revised Code;	5300 5301
(6) Facilities approved by the Veterans Administration under Section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.	5302 5303 5304 5305
The department shall, by rule adopted under section 111.15 in accordance with Chapter 119. of the Revised Code, establish deadlines for payments required by this section.	5306 5307 5308
(B) All money collected under this section shall be deposited in the state treasury to the credit of the office of the state long-term care ombudsman <u>ombudsperson</u> program fund, which is hereby created. Money credited to the fund shall be used solely to pay the costs of operating the regional long-term care ombudsman <u>ombudsperson</u> programs.	5309 5310 5311 5312 5313 5314
(C) The state long-term care ombudsman <u>ombudsperson</u> and the regional programs may solicit and receive contributions to support the operation of the office or a regional program, except that no contribution shall be solicited or accepted that would interfere with the independence or objectivity of the office or program.	5315 5316 5317 5318 5319
Sec. 175.03. (A)(1) The Ohio housing finance agency shall consist of eleven members. Nine of the members shall be appointed by the governor with the advice and consent of the senate. The	5320 5321 5322

director of commerce and the director of development, or their 5323
respective designees, shall also be voting members of the agency. 5324
Of the nine appointed members, at least one shall have experience 5325
in residential housing construction; at least one shall have 5326
experience in residential housing mortgage lending, loan 5327
servicing, or brokering; at least one shall have experience in the 5328
licensed residential housing brokerage business; at least one 5329
shall have experience with the housing needs of senior citizens; 5330
at least one shall be from a background in labor representation in 5331
the construction industry; at least one shall represent the 5332
interests of nonprofit multifamily housing development 5333
corporations; at least one shall represent the interests of 5334
for-profit multifamily housing development organizations; and two 5335
shall be public members. The governor shall receive 5336
recommendations from the Ohio housing council for appointees to 5337
represent the interests of nonprofit multifamily housing 5338
development corporations and for-profit multifamily housing 5339
development organizations. Each appointee representing multifamily 5340
housing interests currently shall be employed with an organization 5341
that is active in the area of affordable housing development or 5342
management. No more than six of the appointed members of the 5343
agency shall be of the same political party. Of the appointments 5344
made to the agency for the eighth and ninth appointed members in 5345
accordance with this amendment, one shall be for a term ending on 5346
January 31, 2005, and one shall be for a term ending on January 5347
31, 2006. Thereafter, each appointed member shall serve for a term 5348
ending on the thirty-first day of January which is six years 5349
following the date of termination of the term which it succeeds. 5350
Each member shall hold office from the date of the member's 5351
appointment until the end of the term for which the member was 5352
appointed. Any member appointed to fill a vacancy occurring prior 5353
to the expiration of the term for which the member's predecessor 5354
was appointed shall hold office for the remainder of such term. 5355

Any appointed member shall continue in office subsequent to the 5356
expiration date of the member's term until the member's successor 5357
takes office, or until a period of sixty days has elapsed, 5358
whichever occurs first. Each appointed member may be removed from 5359
office by the governor for misfeasance, nonfeasance, malfeasance 5360
in office, or for failure to attend in person three consecutive 5361
meetings of the agency. 5362

(2) The ~~director of development or the director's designee~~ 5363
governor shall ~~be~~ appoint the chairperson of the agency. The 5364
agency shall elect one of its ~~appointed~~ members as 5365
vice-chairperson and such other officers as it deems necessary, 5366
who need not be members of the agency. Each appointed member of 5367
the agency shall receive compensation at the rate of one hundred 5368
fifty dollars per agency meeting attended in person, not to exceed 5369
a maximum of three thousand dollars per year. All members shall be 5370
reimbursed for their actual and necessary expenses incurred in the 5371
discharge of their official duties. 5372

(3) Six members of the agency constitute a quorum, and the 5373
affirmative vote of six members shall be necessary for any action 5374
taken by the agency. No vacancy in membership of the agency 5375
impairs the right of a quorum to exercise all the rights and 5376
perform all the duties of the agency. Meetings of the agency may 5377
be held at any place within the state. Meetings of the agency, 5378
including notice of the place of meetings, shall comply with 5379
section 121.22 of the Revised Code. 5380

(B)(1) The appointed members of the agency are not subject to 5381
section 102.02 of the Revised Code. Each such appointed member 5382
shall file with the agency a signed written statement setting 5383
forth the general nature of sales of goods, property or services 5384
or of loans to the agency in which such member has a pecuniary 5385
interest or in which any member of the member's immediate family, 5386
as defined in section 102.01 of the Revised Code, or any 5387

corporation, partnership or enterprise of which the member is an 5388
officer, director, or partner, or of which the member or a member 5389
of the member's immediate family, as so defined, owns more than a 5390
five per cent interest, has a pecuniary interest, and of which 5391
sale, loan and interest such member has knowledge. The statement 5392
shall be supplemented from time to time to reflect changes in the 5393
general nature of any such sales or loans. No member shall 5394
participate in portions of agency meetings dealing with, or vote 5395
concerning, any such matter. 5396

(2) The requirements of this section pertaining to disclosure 5397
and prohibition from participation and voting do not apply to 5398
agency loans to lending institutions or contracts between the 5399
agency and lending institutions for the purchase, administration, 5400
or servicing of loans notwithstanding that such lending 5401
institution has a director, officer, employee, or owner who is a 5402
member of the agency, and no such loans or contracts shall be 5403
deemed to be prohibited or otherwise regulated by reason of any 5404
other law or rule. 5405

(3) The members of the agency representing multifamily 5406
housing interests are not in violation of division (A) of section 5407
2921.42, division (D) of section 102.03, or division (E) of 5408
section 102.03 of the Revised Code in regard to a contract the 5409
agency enters into if both of the following apply: 5410

(a) The contract is entered into for a loan, grant, or 5411
participation in a program administered or funded by the agency 5412
and the contract was awarded pursuant to rules or guidelines the 5413
agency adopted. 5414

(b) The member does not participate in the discussion or vote 5415
on the contract if the contract secured a grant or loan that would 5416
directly benefit the member, a family member, or a business 5417
associate of the member. 5418

Sec. 175.21. (A) The low- and moderate-income housing trust 5419
fund is hereby created in the state treasury. The fund shall 5420
consist of all appropriations made to the fund, housing trust fund 5421
fees collected by county recorders pursuant to section 317.36 of 5422
the Revised Code and deposited into the fund pursuant to section 5423
319.63 of the Revised Code, and all grants, gifts, loan 5424
repayments, and contributions of money made from any source to the 5425
department of development for deposit in the fund. All investment 5426
earnings of the fund shall be credited to the fund. The director 5427
of development shall allocate a portion of the money in the fund 5428
to an account of the Ohio housing finance agency. The department 5429
shall administer the fund. The agency shall use money allocated to 5430
it in the fund for implementing and administering its programs and 5431
duties under sections 175.22 and 175.24 of the Revised Code, and 5432
the department shall use the remaining money in the fund for 5433
implementing and administering its programs and duties under 5434
sections 175.22 to 175.25 of the Revised Code. Use of all money in 5435
the fund is subject to the following restrictions: 5436

(1) Not more than six per cent of any current year 5437
appropriation authority for the fund shall be used for the 5438
transitional and permanent housing program to make grants to 5439
municipal corporations, counties, townships, and nonprofit 5440
organizations for the acquisition, rehabilitation, renovation, 5441
construction, conversion, operation, and cost of supportive 5442
services for new and existing transitional and permanent housing 5443
for homeless persons. 5444

(2)(a) Not more than five per cent of any current year 5445
appropriation authority for the fund shall be used for grants and 5446
loans to community development corporations and the Ohio community 5447
development finance fund, a private nonprofit corporation. 5448

(b) In any year in which the amount in the fund exceeds one 5449

hundred thousand dollars, not less than one hundred thousand 5450
dollars shall be used to provide training, technical assistance, 5451
and capacity building assistance to nonprofit development 5452
organizations in areas of the state the director designates as 5453
underserved. 5454

(c) For monies awarded in any fiscal year, priority shall be 5455
given to proposals submitted by nonprofit development 5456
organizations from areas of the state the director designates as 5457
underserved. 5458

(3) Not more than seven per cent of any current year 5459
appropriation authority for the fund shall be used for the 5460
emergency shelter housing grants program to make grants to 5461
private, nonprofit organizations and municipal corporations, 5462
counties, and townships for emergency shelter housing for the 5463
homeless. The grants shall be distributed pursuant to rules the 5464
director adopts and qualify as matching funds for funds obtained 5465
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 5466
11371 to 11378. 5467

(4) In any fiscal year in which the amount in the fund 5468
exceeds the amount awarded pursuant to division (A)(2)(b) of this 5469
section by at least two hundred fifty thousand dollars, at least 5470
two hundred fifty thousand dollars from the fund shall be provided 5471
to the department of aging for the resident services coordinator 5472
program. 5473

(5) Of all money in the fund: 5474

(a) Not more than six per cent shall be used for 5475
administration. 5476

(b) Not less than forty-five per cent of the amount of funds 5477
awarded during any one fiscal year shall be used to make for 5478
grants and loans to nonprofit organizations under section 175.22 5479
of the Revised Code, not. 5480

(c) ~~Not less than fifty per cent of the amount of funds~~ 5481
awarded during any one fiscal year, excluding the amounts awarded 5482
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 5483
shall be ~~used to make~~ for grants and loans for activities that 5484
~~will~~ provide housing and housing assistance to families and 5485
individuals in rural areas and small cities that ~~would~~ are not be 5486
eligible to participate as a participating jurisdiction under the 5487
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 5488
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 5489
~~in the fund shall be used for administration, and no.~~ 5490

(d) No money in the fund shall be used to pay for any legal 5491
services other than the usual and customary legal services 5492
associated with the acquisition of housing. 5493

(6) Except as otherwise provided by the director under 5494
division (B) of this section, money in the fund may be used as 5495
matching money for federal funds received by the state, counties, 5496
municipal corporations, and townships for the activities listed in 5497
section 175.22 of the Revised Code. 5498

(B) If after the second quarter of any year it appears to the 5499
director that the full amount of the money in the ~~low and~~ 5500
~~moderate income housing trust~~ fund designated in that year for 5501
activities that ~~will~~ provide housing and housing assistance to 5502
families and individuals in rural areas and small cities under 5503
division (A) of this section will not be ~~so~~ used for that purpose, 5504
the director may reallocate all or a portion of that amount for 5505
other housing activities. In determining whether or how to 5506
reallocate money under this division, the director may consult 5507
with and shall receive advice from the housing trust fund advisory 5508
committee. 5509

Sec. 175.22. (A) The department of development and the Ohio 5510
housing finance agency shall each develop programs under which, in 5511

accordance with rules adopted under this section, ~~it~~ they may make 5512
grants, loans, loan guarantees, and loan subsidies to counties, 5513
municipal corporations, townships, local housing authorities, and 5514
nonprofit organizations and may make loans, loan guarantees, and 5515
loan subsidies to private developers and private lenders to assist 5516
~~them~~ in activities that ~~will~~ provide housing and housing 5517
assistance for specifically targeted low- and moderate-income 5518
families and individuals. There ~~shall be~~ is no minimum housing 5519
project size for awards under this division for any project that 5520
is ~~being~~ developed for a special needs population and that is 5521
supported by a social service agency where the housing project 5522
~~will be~~ is located. Activities for which grants, loans, loan 5523
guarantees, and loan subsidies may be made under this section 5524
include all of the following: 5525

(1) Acquiring, financing, constructing, leasing, 5526
rehabilitating, remodeling, improving, and equipping publicly or 5527
privately owned housing; 5528

(2) Providing supportive services related to housing and the 5529
homeless, including housing counseling. Not more than twenty per 5530
cent of the current year appropriation authority for the low- and 5531
moderate-income housing trust fund that remains after the 5532
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 5533
of section 175.21 of the Revised Code, shall be awarded in any 5534
fiscal year for ~~such~~ supportive services. 5535

(3) Providing rental assistance payments or other project 5536
operating subsidies that lower tenant rents. 5537

(B) Grants, loans, loan guarantees, and loan subsidies may be 5538
made to counties, municipal corporations, townships, and nonprofit 5539
organizations for the additional purposes of providing technical 5540
assistance, design and finance services and consultation, and 5541
payment of pre-development and administrative costs related to any 5542
of the activities listed above. 5543

(C) In developing programs under this section, the department 5544
and the agency shall invite, accept, and consider public comment, 5545
and recommendations from the housing trust fund advisory committee 5546
created under section 175.25 of the Revised Code, on how the 5547
programs should be designed to most effectively benefit low- and 5548
moderate-income families and individuals. The programs developed 5549
under this section shall respond collectively to housing and 5550
housing assistance needs of low- and moderate-income families and 5551
individuals statewide. 5552

(D) The department and the agency, in accordance with Chapter 5553
119. of the Revised Code, shall each adopt rules ~~under which it~~ 5554
~~shall~~ to administer programs developed ~~by it~~ under this section. 5555
The rules shall prescribe procedures and forms ~~whereby that~~ 5556
counties, municipal corporations, townships, local housing 5557
authorities, and nonprofit organizations ~~may apply~~ shall use in 5558
applying for grants, loans, loan guarantees, and loan subsidies 5559
and that private developers and private lenders ~~may apply~~ shall 5560
use in applying for loans, loan guarantees, and loan subsidies; 5561
eligibility criteria for the receipt of funds; procedures for 5562
reviewing and granting or denying applications; procedures for 5563
paying out funds; conditions on the use of funds; procedures for 5564
monitoring the use of funds; and procedures under which a 5565
recipient shall be required to repay funds that are improperly 5566
used. The rules ~~adopted by the department~~ shall do both of the 5567
following: 5568

(1) Require each recipient of a grant or loan made from the 5569
low- and moderate-income housing trust fund for activities that 5570
~~will~~ provide, or assist in providing, a rental housing project, to 5571
reasonably ensure that the rental housing project will ~~be~~ remain 5572
affordable to those families and individuals targeted for the 5573
rental housing project for the useful life of the rental housing 5574
project or for thirty years, whichever is longer; 5575

(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 the 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 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~~ the county in which they live, as determined by the department under section 175.23 of the Revised Code.

(2) ~~The remainder of the~~ Any money granted and loaned under this section in any fiscal year that is not granted or loaned pursuant to division (E)(1) of this section 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~~ the county in which they live, 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 5607
benefit those families and individuals ~~in a county~~ whose incomes 5608
are equal to or less than thirty-five per cent of the median 5609
income for ~~that~~ the county in which they live, as determined by 5610
the department under section 175.23 of the Revised Code. 5611

(G) The department and the agency shall monitor the programs 5612
developed under this section to ensure that money granted and 5613
loaned under this section is not used in a manner that violates 5614
division (H) of section 4112.02 of the Revised Code or 5615
discriminates against families with children. 5616

Sec. 183.02. This section's references to years mean state 5617
fiscal years. 5618

All payments received by the state pursuant to the tobacco 5619
master settlement agreement shall be deposited into the state 5620
treasury to the credit of the tobacco master settlement agreement 5621
fund, which is hereby created. All investment earnings of the fund 5622
shall also be credited to the fund. Except as provided in division 5623
(K) of this section, payments and interest credited to the fund 5624
shall be transferred by the director of budget and management as 5625
follows: 5626

(A)(1) Of the first payment credited to the tobacco master 5627
settlement agreement fund in 2000 and the net amounts credited to 5628
the fund annually from 2000 to 2006 and in 2012, the following 5629
amount or percentage shall be transferred to the tobacco use 5630
prevention and cessation trust fund, created in section 183.03 of 5631
the Revised Code: 5632

YEAR	AMOUNT OR PERCENTAGE	5633
2000 (first payment credited)	\$104,855,222.85	5634
2000 (net amount credited)	70.30%	5635
2001	62.84	5636

2002	61.41	5637
2003	63.24	5638
2004	66.65	5639
2005	66.24	5640
2006	65.97	5641
2012	56.01	5642

(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2015, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2004 due to H.B. _____ of the 125th general assembly.

(B) Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually in 2000 and 2001, the following amount or percentage shall be transferred to the law enforcement improvements trust fund, created in section 183.10 of the Revised Code:

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$10,000,000	5670
2000 (net amount credited)	5.41%	5671
2001	2.32	5672

(C)~~(1)~~ Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually from 2000 to 2011, the following percentages shall be transferred to the southern Ohio agricultural and community development trust fund, created in section 183.11 of the Revised Code:

YEAR	PERCENTAGE	
2000 (first payment credited)	5.00%	5680
2000 (net amount credited)	8.73	5681
2001	8.12	5682
2002	9.18	5683
2003	8.91	5684
2004	7.84	5685
2005	7.79	5686
2006	7.76	5687
2007	17.39	5688
2008 through 2011	17.25	5689

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the southern Ohio agricultural and community development trust fund the amount not transferred to the southern Ohio agricultural and community development trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to~~

~~the southern Ohio agricultural and community development trust 5699
fund the amount not transferred to the southern Ohio agricultural 5700
and community development trust fund from the net amounts credited 5701
to the tobacco master settlement agreement fund in 2003 due to Am. 5702
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 5703
assembly. 5704~~

(D)~~(1)~~ The following percentages of the net amounts credited 5705
to the tobacco master settlement agreement fund annually shall be 5706
transferred to Ohio's public health priorities trust fund, created 5707
in section 183.18 of the Revised Code: 5708

YEAR	PERCENTAGE	
2000	5.41	5710
2001	6.68	5711
2002	6.79	5712
2003	6.90	5713
2004	7.82	5714
2005	8.18	5715
2006	8.56	5716
2007	19.83	5717
2008	19.66	5718
2009	20.48	5719
2010	21.30	5720
2011	22.12	5721
2012	10.47	5722

~~(2) Of the net amounts credited to the tobacco master 5723
settlement agreement fund in 2013, the director shall transfer to 5724
Ohio's public health priorities trust fund the amount not 5725
transferred to Ohio's public health priorities trust fund from the 5726
net amounts credited to the tobacco master settlement agreement 5727
fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 5728
242 of the 124th general assembly. Of the net amounts credited to 5729
the tobacco master settlement agreement fund in 2014, the director 5730~~

~~shall transfer to Ohio's public health priorities trust fund the~~ 5731
~~amount not transferred to Ohio's public health priorities trust~~ 5732
~~fund from the net amounts credited to the tobacco master~~ 5733
~~settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and~~ 5734
~~Am. Sub. S.B. No. 242 of the 124th general assembly.~~ 5735

(E) The following percentages of the net amounts credited to 5736
the tobacco master settlement agreement fund annually shall be 5737
transferred to the biomedical research and technology transfer 5738
trust fund, created in section 183.19 of the Revised Code: 5739

YEAR	PERCENTAGE	5740
2000	2.71	5741
2001	14.03	5742
2002	13.29	5743
2003	12.73	5744
2004	13.78	5745
2005	14.31	5746
2006	14.66	5747
2007	49.57	5748
2008 to 2011	45.06	5749
2012	18.77	5750

(F) Of the amounts credited to the tobacco master settlement 5751
agreement fund annually, the following amounts shall be 5752
transferred to the education facilities trust fund, created in 5753
section 183.26 of the Revised Code: 5754

YEAR	AMOUNT	5755
2000	\$133,062,504.95	5756
2001	128,938,732.73	5757
2002	185,804,475.78	5758
2003	180,561,673.11	5759
2004	122,778,219.49	5760
2005	121,389,325.80	5761
2006	120,463,396.67	5762

2007	246,389,369.01	5763
2008 to 2011	267,531,291.85	5764
2012	110,954,545.28	5765

(G) Of the amounts credited to the tobacco master settlement agreement fund annually, from 2000 to 2012 five million dollars per year shall be transferred to the education facilities endowment fund, created in section 183.27 of the Revised Code. From 2013 to 2025, the following percentages of the amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the endowment fund:

YEAR	PERCENTAGE	
2013	30.22	5774
2014	33.36	5775
2015 to 2025	40.90	5776

(H) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the education technology trust fund, created in section 183.28 of the Revised Code:

YEAR	PERCENTAGE	
2000	7.44	5782
2001	6.01	5783
2002	9.33	5784
2003	8.22	5785
2004	3.91	5786
2005	3.48	5787
2006	3.05	5788
2007	13.21	5789
2008	18.03	5790
2009	17.21	5791
2010	16.39	5792
2011	15.57	5793
2012	14.75	5794

(I) In each year from 2003 to 2025, after the transfers made 5795
under divisions (F) and (G) of this section but prior to the 5796
transfers made under divisions (A) to (E) of this section, the 5797
director of budget and management shall transfer to the tobacco 5798
settlement oversight, administration, and enforcement fund created 5799
in section 183.34 of the Revised Code such amount as the director 5800
determines necessary to pay the costs incurred by the attorney 5801
general in tobacco settlement oversight, administration, and 5802
enforcement. 5803

(J) In each year from 2003 to 2025, after the transfers made 5804
under divisions (F) and (G) of this section but prior to the 5805
transfers made under divisions (A) to (E) of this section, the 5806
director of budget and management shall transfer to the tobacco 5807
settlement enforcement fund created in section 183.35 of the 5808
Revised Code such amount as the director determines necessary to 5809
pay the costs incurred by the tax commissioner in the enforcement 5810
of divisions (F) and (G) of section 5743.03 of the Revised Code. 5811

(K) If in any year from 2001 to 2012 the payments and 5812
interest credited to the tobacco master settlement agreement fund 5813
during the year amount to less than the amounts required to be 5814
transferred to the education facilities trust fund and the 5815
education facilities endowment fund that year, the director of 5816
budget and management shall make none of the transfers required by 5817
divisions (A) to (J) of this section. 5818

(L) If in any year from 2000 to 2025 the payments credited to 5819
the tobacco master settlement agreement fund during the year 5820
exceed the following amounts, the director of budget and 5821
management shall transfer the excess to the income tax reduction 5822
fund, created in section 131.44 of the Revised Code: 5823

YEAR	AMOUNT	
2000	\$443,892,767.51	5825
2001	348,780,049.22	5826

2002	418,783,038.09	5827
2003	422,746,368.61	5828
2004	352,827,184.57	5829
2005	352,827,184.57	5830
2006	352,827,184.57	5831
2007	352,827,184.57	5832
2008 to 2017	383,779,323.15	5833
2018 to 2025	403,202,282.16	5834

Sec. 183.28. The education technology trust fund is hereby 5835
created in the state treasury. Money credited to the fund shall be 5836
used to pay costs of the ~~Ohio SchoolNet commission under section~~ 5837
~~3301.80 of the Revised Code~~ department of education for school 5838
technology-related activities. All investment earnings of the fund 5839
shall be credited to the fund. 5840

Sec. 307.202. As used in this section, "rail property" and 5841
"rail service" have the same meanings as in section ~~4981.01~~ 5842
5507.01 of the Revised Code. 5843

The board of county commissioners may acquire, rehabilitate, 5844
and develop rail property and rail service, and may enter into 5845
agreements with ~~the Ohio rail development commission,~~ boards of 5846
township trustees, legislative authorities of municipal 5847
corporations, other boards of county commissioners, with other 5848
governmental agencies or organizations, and with private agencies 5849
or organizations in order to achieve those purposes. 5850

Sec. 311.17. For the services specified in this section, the 5851
sheriff shall charge the following fees, which the court or its 5852
clerk ~~thereof~~ shall tax in the bill of costs against the judgment 5853
debtor or those legally liable therefor for the judgment: 5854

(A) For the service and return of the following writs and 5855
orders: 5856

(1) Execution:	5857
(a) When money is paid without levy or when no property is found, five <u>twenty</u> dollars;	5858 5859
(b) When levy is made on real property, for the first tract, twenty <u>twenty-five</u> dollars, and for each additional tract, five <u>ten</u> dollars;	5860 5861 5862
(c) When levy is made on goods and chattels, including inventory, twenty-five <u>fifty</u> dollars+.	5863 5864
(2) Writ of attachment of property, except for purpose of garnishment, twenty <u>forty</u> dollars;	5865 5866
(3) Writ of attachment for the purpose of garnishment, five <u>ten</u> dollars;	5867 5868
(4) Writ of replevin, twenty <u>forty</u> dollars;	5869
(5) Warrant to arrest, for each person named in the writ, five <u>ten</u> dollars;	5870 5871
(6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars;	5872 5873
(7) Writ of possession or restitution, twenty <u>sixty</u> dollars;	5874
(8) Subpoena, for each person named in the writ, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one-dollar;</u>	5875 5876 5877
(9) Venire, for each person named in the writ, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one-dollar;</u>	5878 5879 5880
(10) Summoning each juror, other than on venire, if in either a civil or criminal case three, six <u>dollars, if in a criminal case one-dollar;</u>	5881 5882 5883
(11) Writ of partition, fifteen <u>twenty-five</u> dollars;	5884

(12) Order of sale on partition, for the first tract,	5885
twenty-five <u>fifty</u> dollars, and for each additional tract, five	5886
<u>twenty-five</u> dollars;	5887
(13) Other order of sale of real property, for the first	5888
tract, twenty <u>fifty</u> dollars, and for each additional tract, five	5889
<u>twenty-five</u> dollars;	5890
(14) Administering oath to appraisers, one dollar and fifty	5891
cents <u>three dollars</u> each;	5892
(15) Furnishing copies for advertisements, fifty cents <u>one</u>	5893
<u>dollar</u> for each hundred words;	5894
(16) Copy of indictment, for each defendant, two <u>five</u>	5895
dollars;	5896
(17) All summons, writs, orders, or notices, for the first	5897
name, three <u>six</u> dollars, and for each additional name, fifty cents	5898
<u>one dollar</u> .	5899
(B) In addition to the fee for service and return, the	5900
sheriff may charge:	5901
(1) On each summons, writ, order, or notice, a fee of fifty	5902
cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u>	5903
cents per mile for each additional mile, going and returning,	5904
actual mileage to be charged on each additional name;	5905
(2) Taking bail bond, one dollar <u>three dollars</u> ;	5906
(3) Jail fees, as follows:	5907
(a) For receiving a prisoner, four <u>five</u> dollars <u>each time a</u>	5908
<u>prisoner is received</u> , and for discharging or surrendering a	5909
prisoner, four <u>five</u> dollars; <u>each time a prisoner is discharged or</u>	5910
<u>surrendered. The departure or return of a prisoner from or to a</u>	5911
<u>jail in connection with a program established under section</u>	5912
<u>5147.28 of the Revised Code is not a receipt, discharge, or</u>	5913
<u>surrender of the prisoner for purposes of this division.</u>	5914

(b) Taking a prisoner before a judge or court, per day, three	5915
<u>five</u> dollars;	5916
(c) Calling action, fifty cents <u>one dollar</u> ;	5917
(d) Calling jury, one dollar <u>three dollars</u> ;	5918
(e) Calling each witness, one dollar <u>three dollars</u> ;	5919
(f) Bringing prisoner before court on habeas corpus, four <u>six</u>	5920
dollars + .	5921
(4) Poundage on all moneys actually made and paid to the	5922
sheriff on execution, decree, or sale of real estate, one <u>and</u>	5923
<u>one-half</u> per cent;	5924
(5) Making and executing a deed of land sold on execution,	5925
decree, or order of the court, to be paid by the purchaser,	5926
twenty-five <u>fifty</u> dollars.	5927
When any of the foregoing services <u>described in division (A)</u>	5928
<u>or (B) of this section</u> are rendered by an officer or employee,	5929
whose salary or per diem compensation is paid by the county, the	5930
<u>applicable</u> legal fees <u>and any other extraordinary expenses,</u>	5931
<u>including overtime,</u> provided for such the service in this section	5932
shall be taxed in the costs in the case 7 , and 7 when such fees are	5933
collected they , shall be paid into the general fund of the county.	5934
The sheriff shall charge the same fees for the execution of	5935
process issued in any other state as he <u>the sheriff</u> charges for	5936
the execution of process of a substantively similar nature that is	5937
issued in this state.	5938
Sec. 317.32. The county recorder shall charge and collect the	5939
following fees, <u>to include base fees</u> for the recorder's services	5940
<u>and housing trust fund fees, collected pursuant to section 317.36</u>	5941
<u>of the Revised Code:</u>	5942
(A) For recording and indexing an instrument when the	5943

photocopy or any similar process is employed, a base fee of 5944
fourteen dollars for the first two pages and a housing trust fund 5945
fee of fourteen dollars, and a base fee of four dollars and a 5946
housing trust fund fee of four dollars for each subsequent page, 5947
size eight and one-half inches by fourteen inches, or fraction of 5948
a page, including the caption page, of such instrument; 5949

(B) For certifying a photocopy from the record previously 5950
recorded, a base fee of one dollar and a housing trust fund fee of 5951
one dollar per page, size eight and one-half inches by fourteen 5952
inches, or fraction of a page; for each certification where the 5953
recorder's seal is required, except as to instruments issued by 5954
the armed forces of the United States, a base fee of fifty cents 5955
and a housing trust fund fee of fifty cents; 5956

(C) For manual or typewritten recording of assignment or 5957
satisfaction of mortgage or lease or any other marginal entry, a 5958
base fee of four dollars and a housing trust fund fee of four 5959
dollars; 5960

(D) For entering any marginal reference by separate recorded 5961
instrument, a base fee of two dollars and a housing trust fund fee 5962
of two dollars for each marginal reference set out in that 5963
instrument, in addition to the ~~recording fee~~ fees set forth in 5964
division (A) of this section; 5965

(E) For indexing in the real estate mortgage records, 5966
pursuant to section 1309.519 of the Revised Code, financing 5967
statements covering crops growing or to be grown, timber to be 5968
cut, minerals or the like, including oil and gas, accounts subject 5969
to section 1309.301 of the Revised Code, or fixture filings made 5970
pursuant to section 1309.334 of the Revised Code, a base fee of 5971
two dollars and a housing trust fund fee of two dollars for each 5972
name indexed; 5973

(F) For recording manually any plat not exceeding six lines, 5974

a base fee of two dollars and a housing trust fund fee of two 5975
dollars, and for each additional line, a base fee of ten cents and 5976
a housing trust fund fee of ten cents; 5977

(G) For filing zoning resolutions, including text and maps, 5978
in the office of the recorder as required under sections 303.11 5979
and 519.11 of the Revised Code, a base fee of fifty dollars and a 5980
housing trust fund fee of fifty dollars, regardless of the size or 5981
length of the resolutions; 5982

(H) For filing zoning amendments, including text and maps, in 5983
the office of the recorder as required under sections 303.12 and 5984
519.12 of the Revised Code, a base fee of ten dollars and a 5985
housing trust fund fee of ten dollars for the first page and a 5986
base fee of four dollars and a housing trust fund fee of four 5987
dollars for each additional page; 5988

(I) For photocopying a document, other than at the time of 5989
recording and indexing as provided for in division (A) of this 5990
section, a base fee of one dollar and a housing trust fund fee of 5991
one dollar per page, size eight and one-half inches by fourteen 5992
inches, or fraction thereof; 5993

(J) For local facsimile transmission of a document, a base 5994
fee of one dollar and a housing trust fund fee of one dollar per 5995
page, size eight and one-half inches by fourteen inches, or 5996
fraction thereof; for long distance facsimile transmission of a 5997
document, a base fee of two dollars and a housing trust fund fee 5998
of two dollars per page, size eight and one-half inches by 5999
fourteen inches, or fraction thereof; 6000

(K) For recording a declaration executed pursuant to section 6001
2133.02 of the Revised Code or a durable power of attorney for 6002
health care executed pursuant to section 1337.12 of the Revised 6003
Code, or both a declaration and a durable power of attorney for 6004
health care, a base fee of at least fourteen dollars but not more 6005

than twenty dollars and a housing trust fund fee of at least 6006
fourteen dollars but not more than twenty dollars. 6007

In any county in which the recorder employs the photostatic 6008
or any similar process for recording maps, plats, or prints the 6009
recorder shall determine, charge, and collect for the recording or 6010
rerecording of any map, plat, or print, a base fee of five cents 6011
and a housing trust fund fee of five cents per square inch, for 6012
each square inch of the map, plat, or print filed for that 6013
recording or rerecording, with a minimum base fee of twenty 6014
dollars and a minimum housing trust fund fee of twenty dollars; 6015
for certifying a copy from the record, a base fee of two cents and 6016
a housing trust fund fee of two cents per square inch of the 6017
record, with a minimum base fee of two dollars and a minimum 6018
housing trust fund fee of two dollars. 6019

The fees provided in this section shall be paid upon the 6020
presentation of the instruments for record or upon the application 6021
for any certified copy of the record, except that the payment of 6022
fees associated with the filing and recording of, or the copying 6023
of, notices of internal revenue tax liens and notices of other 6024
liens in favor of the United States as described in division (A) 6025
of section 317.09 of the Revised Code and certificates of 6026
discharge or release of those liens, shall be governed by section 6027
317.09 of the Revised Code, and the payment of fees for providing 6028
copies of instruments conveying or extinguishing agricultural 6029
easements to the office of farmland preservation under division 6030
(G) of section 5301.691 of the Revised Code shall be governed by 6031
that division. 6032

Sec. 317.36. (A) The county recorder shall collect the low- 6033
and moderate-income housing trust fund fee as specified in 6034
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 6035
5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, 6036

and 6115.09 of the Revised Code. The amount of any housing trust fund fee the recorder is authorized to collect is equal to the amount of any base fee the recorder is authorized to collect for services. The housing trust fund fee shall be collected in addition to the base fee.

(B) The recorder shall certify the amounts collected as housing trust fund fees pursuant to division (A) of this section into the county treasury as housing trust fund fees, collected solely to provide revenue for the low- and moderate-income housing trust fund in the state treasury created under section 175.21 of the Revised Code.

Sec. 319.302. (A) After complying with section 319.301 of the Revised Code, the county auditor shall reduce the remaining sums to be levied against each parcel of real property listed on the general tax list and duplicate of real and public utility property for the current tax year, and against each manufactured and mobile home that is taxed pursuant to division (D)(2) of section 4503.06 of the Revised Code and that is on the manufactured home tax list for the current tax year, by ten per cent. Except as otherwise provided in sections 323.152, 323.158, 505.06, and 715.263 of the Revised Code, the amount of the taxes remaining after such reduction shall be the real and public utility property taxes charged and payable, and the manufactured home tax charged and payable, on each property and shall be the amounts certified to the county treasurer for collection. Upon receipt of the tax duplicate, the treasurer shall certify to the tax commissioner the total amount by which such taxes were reduced under this section, as shown on the duplicate. Such reduction shall not directly or indirectly affect the determination of the principal amount of notes that may be issued in anticipation of any tax levies or the amount of bonds or notes for any planned improvements. If after application of sections 5705.31 and 5705.32 of the Revised Code

and other applicable provisions of law, including division (F) of 6069
section 321.24 of the Revised Code, there would be insufficient 6070
funds for payment of debt charges on bonds or notes payable from 6071
taxes reduced by this section, the reduction of taxes provided for 6072
in this section shall be adjusted to the extent necessary to 6073
provide funds from such taxes. 6074

(B) The county auditor shall not reduce any portion of the 6075
remaining sums under division (A) of this section that is levied 6076
as the result of a real property tax levy, or renewal of an 6077
existing tax levy, approved by electors on or after January 1, 6078
2004. 6079

Sec. 319.63. (A) During the first thirty days of each 6080
calendar quarter, the county auditor shall pay to the treasurer of 6081
state all amounts that the county recorder collected as housing 6082
trust fund fees pursuant to section 317.36 of the Revised Code 6083
during the previous calendar quarter. If payment is made to the 6084
treasurer of state within the first thirty days of the quarter, 6085
the county auditor may retain an administrative fee of one per 6086
cent of the amount of the trust fund fees collected during the 6087
previous calendar quarter. 6088

(B) The treasurer of state shall deposit the first fifty 6089
million dollars of housing trust fund fees received each year 6090
pursuant to this section into the low- and moderate-income housing 6091
trust fund, created under section 175.21 of the Revised Code, and 6092
shall deposit any amounts received each year in excess of fifty 6093
million dollars into the state general revenue fund. 6094

(C) The county auditor shall deposit the administrative fee 6095
that the auditor is permitted to retain pursuant to division (A) 6096
of this section into the county general fund for the county 6097
recorder to use in administering the trust fund fee. 6098

Sec. 323.01. Except as otherwise provided, as used in Chapter 6099
323. of the Revised Code: 6100

(A) "Subdivision" means any county, township, school 6101
district, or municipal corporation. 6102

(B) "Municipal corporation" includes charter municipalities. 6103

(C) "Taxes" means the total amount of all charges against an 6104
entry appearing on a tax list and the duplicate thereof that was 6105
prepared and certified in accordance with section 319.28 of the 6106
Revised Code, including taxes levied against real estate; taxes on 6107
property whose value is certified pursuant to section 5727.23 of 6108
the Revised Code; recoupment charges applied pursuant to section 6109
5713.35 of the Revised Code; all assessments; penalties and 6110
interest charged pursuant to section 323.121 of the Revised Code; 6111
charges added pursuant to section 319.35 of the Revised Code; and 6112
all of such charges which remain unpaid from any previous tax 6113
year. 6114

(D) "Current taxes" means all taxes charged against an entry 6115
on the general tax list and duplicate of real and public utility 6116
property that have not appeared on such list and duplicate for any 6117
prior tax year and any penalty thereon charged by division (A) of 6118
section 323.121 of the Revised Code. Current taxes, whether or not 6119
they have been certified delinquent, become delinquent taxes if 6120
they remain unpaid after the last day prescribed for payment of 6121
the second installment of current taxes without penalty. 6122

(E) "Delinquent taxes" means: 6123

(1) Any taxes charged against an entry on the general tax 6124
list and duplicate of real and public utility property that were 6125
charged against an entry on such list and duplicate for a prior 6126
tax year and any penalties and interest charged against such 6127
taxes. 6128

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

(2) Any sum of money due and payable, for disability financial assistance or disability medical assistance provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;

(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1) Division (A) of this section applies to any of the

following: 6159

- (a) A person who is permanently and totally disabled; 6160
- (b) A person who is sixty-five years of age or older; 6161
- (c) A person who is the surviving spouse of a deceased person 6162
who was permanently and totally disabled or sixty-five years of 6163
age or older and who applied and qualified for a reduction in 6164
taxes under this division in the year of death, provided the 6165
surviving spouse is at least fifty-nine but not sixty-five or more 6166
years of age on the date the deceased spouse dies. 6167

(2) Real property taxes on a homestead owned and occupied, or 6168
a homestead in a housing cooperative occupied, by a person to whom 6169
division (A) of this section applies shall be reduced for each 6170
year for which the owner obtains a certificate of reduction from 6171
the county auditor under section 323.154 of the Revised Code or 6172
for which the occupant obtains a certificate of reduction in 6173
accordance with section 323.159 of the Revised Code. The reduction 6174
shall equal the amount obtained by multiplying the tax rate for 6175
the tax year for which the certificate is issued by the reduction 6176
in taxable value shown in the following schedule: 6177

Total Income	Reduce Taxable Value	6178
	by the Lesser of:	6179
\$11,900 or less	\$5,000 or seventy-five per cent	6180
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	6181
More than \$17,500 but not more than \$23,000	\$1,000 or twenty-five per cent	6182
More than \$23,000	-0-	6183

(3) Each calendar year, the tax commissioner shall adjust the 6184
foregoing schedule by completing the following calculations in 6185
September of each year: 6186

- (a) Determine the percentage increase in the gross domestic 6187

product deflator determined by the bureau of economic analysis of 6188
the United States department of commerce from the first day of 6189
January of the preceding calendar year to the last day of December 6190
of the preceding calendar year; 6191

(b) Multiply that percentage increase by each of the total 6192
income amounts, and by each dollar amount by which taxable value 6193
is reduced, for the current tax year; 6194

(c) Add the resulting product to each of the total income 6195
amounts, and to each of the dollar amounts by which taxable value 6196
is reduced, for the current tax year; 6197

(d) Round the resulting sum to the nearest multiple of one 6198
hundred dollars. 6199

The commissioner shall certify the amounts resulting from the 6200
adjustment to each county auditor not later than the first day of 6201
December each year. The certified amounts apply to the following 6202
tax year. The commissioner shall not make the adjustment in any 6203
calendar year in which the amounts resulting from the adjustment 6204
would be less than the total income amounts, or less than the 6205
dollar amounts by which taxable value is reduced, for the current 6206
tax year. 6207

(B) Real property taxes on any homestead, and manufactured 6208
home taxes on any manufactured or mobile home on which a 6209
manufactured home tax is assessed pursuant to division (D)(2) of 6210
section 4503.06 of the Revised Code, shall be reduced for each 6211
year for which the owner obtains a certificate of reduction from 6212
the county auditor under section 323.154 of the Revised Code. The 6213
amount of the reduction shall equal one-fourth of the amount by 6214
which the taxes charged and payable on the homestead or the 6215
manufactured or mobile home are reduced for such year under 6216
section 319.302 of the Revised Code. Any tax on real property or 6217
on manufactured homes, or renewal of an existing tax on such 6218

property or homes, that is approved by the electors on or after 6219
January 1, 2004, shall not be reduced as required by division (B) 6220
of this section. 6221

(C) The reductions granted by this section do not apply to 6222
special assessments or respread of assessments levied against the 6223
homestead, and if there is a transfer of ownership subsequent to 6224
the filing of an application for a reduction in taxes, such 6225
reductions are not forfeited for such year by virtue of such 6226
transfer. 6227

(D) The reductions in taxable value referred to in this 6228
section shall be applied solely as a factor for the purpose of 6229
computing the reduction of taxes under this section and shall not 6230
affect the total value of property in any subdivision or taxing 6231
district as listed and assessed for taxation on the tax lists and 6232
duplicates, or any direct or indirect limitations on indebtedness 6233
of a subdivision or taxing district. If after application of 6234
sections 5705.31 and 5705.32 of the Revised Code, including the 6235
allocation of all levies within the ten-mill limitation to debt 6236
charges to the extent therein provided, there would be 6237
insufficient funds for payment of debt charges not provided for by 6238
levies in excess of the ten-mill limitation, the reduction of 6239
taxes provided for in sections 323.151 to 323.159 of the Revised 6240
Code shall be proportionately adjusted to the extent necessary to 6241
provide such funds from levies within the ten-mill limitation. 6242

(E) No reduction shall be made on the taxes due on the 6243
homestead of any person convicted of violating division (C) or (D) 6244
of section 323.153 of the Revised Code for a period of three years 6245
following the conviction. 6246

Sec. 329.03. (A) As used in this section: 6247

(1) "Applicant" or "recipient" means an applicant for or 6248
participant in the Ohio works first program established under 6249

Chapter 5107. of the Revised Code or an applicant for or recipient 6250
of disability financial assistance under Chapter 5115. of the 6251
Revised Code. 6252

(2) "Voluntary direct deposit" means a system established 6253
pursuant to this section under which cash assistance payments to 6254
recipients who agree to direct deposit are made by direct deposit 6255
by electronic transfer to an account in a financial institution 6256
designated under this section. 6257

(3) "Mandatory direct deposit" means a system established 6258
pursuant to this section under which cash assistance payments to 6259
all participants in the Ohio works first program or recipients of 6260
disability financial assistance, other than those exempt under 6261
division (E) of this section, are made by direct deposit by 6262
electronic transfer to an account in a financial institution 6263
designated under this section. 6264

(B) A board of county commissioners may by adoption of a 6265
resolution require the county department of job and family 6266
services to establish a direct deposit system for distributing 6267
cash assistance payments under Ohio works first, disability 6268
financial assistance, or both, unless the director of job and 6269
family services has provided for those payments to be made by 6270
electronic benefit transfer pursuant to section 5101.33 of the 6271
Revised Code. Voluntary or mandatory direct deposit may be applied 6272
to either of the programs. The resolution shall specify for each 6273
program for which direct deposit is to be established whether 6274
direct deposit is voluntary or mandatory. The board may require 6275
the department to change or terminate direct deposit by adopting a 6276
resolution to change or terminate it. Within ninety days after 6277
adopting a resolution under this division, the board shall certify 6278
one copy of the resolution to the director of job and family 6279
services and one copy to the office of budget and management. The 6280
director of job and family services may adopt rules governing 6281

establishment of direct deposit by county departments of job and family services. 6282
6283

The county department of job and family services shall 6284
determine what type of account will be used for direct deposit and 6285
negotiate with financial institutions to determine the charges, if 6286
any, to be imposed by a financial institution for establishing and 6287
maintaining such accounts. Under voluntary direct deposit, the 6288
county department of job and family services may pay all charges 6289
imposed by a financial institution for establishing and 6290
maintaining an account in which direct deposits are made for a 6291
recipient. Under mandatory direct deposit, the county department 6292
of job and family services shall pay all charges imposed by a 6293
financial institution for establishing and maintaining such an 6294
account. No financial institution shall impose any charge for such 6295
an account that the institution does not impose on its other 6296
customers for the same type of account. Direct deposit does not 6297
affect the exemption of Ohio works first and disability financial 6298
assistance from attachment, garnishment, or other like process 6299
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 6300
Code. 6301

(C) The county department of job and family services shall, 6302
within sixty days after a resolution requiring the establishment 6303
of direct deposit is adopted, establish procedures governing 6304
direct deposit. 6305

Within one hundred eighty days after the resolution is 6306
adopted, the county department shall: 6307

(1) Inform each applicant or recipient of the procedures 6308
governing direct deposit, including in the case of voluntary 6309
direct deposit those that prescribe the conditions under which a 6310
recipient may change from one method of payment to another; 6311

(2) Obtain from each applicant or recipient an authorization 6312

form to designate a financial institution equipped for and 6313
authorized by law to accept direct deposits by electronic transfer 6314
and the account into which the applicant or recipient wishes the 6315
payments to be made, or in the case of voluntary direct deposit 6316
states the applicant's or recipient's election to receive such 6317
payments in the form of a paper warrant. 6318

The department may require a recipient to complete a new 6319
authorization form whenever the department considers it necessary. 6320

A recipient's designation of a financial institution and 6321
account shall remain in effect until withdrawn in writing or 6322
dishonored by the financial institution, except that no change may 6323
be made in the authorization form until the next eligibility 6324
redetermination of the recipient unless the department feels that 6325
good grounds exist for an earlier change. 6326

(D) An applicant or recipient without an account who either 6327
agrees or is required to receive payments by direct deposit shall 6328
have ten days after receiving the authorization form to designate 6329
an account suitable for direct deposit. If within the required 6330
time the applicant or recipient does not make the designation or 6331
requests that the department make the designation, the department 6332
shall designate a financial institution and help the recipient to 6333
open an account. 6334

(E) At the time of giving an applicant or recipient the 6335
authorization form, the county department of job and family 6336
services of a county with mandatory direct deposit shall inform 6337
each applicant or recipient of the basis for exemption and the 6338
right to request exemption from direct deposit. 6339

Under mandatory direct deposit, an applicant or recipient who 6340
wishes to receive payments in the form of a paper warrant shall 6341
record on the authorization form a request for exemption under 6342
this division and the basis for the exemption. 6343

The department shall exempt from mandatory direct deposit any recipient who requests exemption and is any of the following:

(1) Over age sixty-five;

(2) Blind or disabled;

(3) Likely, in the judgment of the department, to be caused personal hardship by direct deposit.

A recipient granted an exemption under this division shall receive payments for which the recipient is eligible in the form of paper warrants.

(F) The county department of job and family services shall bear the full cost of the amount of any replacement warrant issued to a recipient for whom an authorization form as provided in this section has not been obtained within one hundred eighty days after the later of the date the board of county commissioners adopts a resolution requiring payments of financial assistance by direct deposit to accounts of recipients of Ohio works first or disability financial assistance or the date the recipient made application for assistance, and shall not be reimbursed by the state for any part of the cost. Thereafter, the county department of job and family services shall continue to bear the full cost of each replacement warrant issued until the board of county commissioners requires the county department of job and family services to obtain from each such recipient the authorization forms as provided in this section.

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	6374
strengthen family life:	6375
(a) Services authorized by a Title IV-A program, as defined	6376
in section 5101.80 of the Revised Code;	6377
(b) Social services authorized by Title XX of the "Social	6378
Security Act" and provided for by section 5101.46 of the Revised	6379
Code;	6380
(c) If the county department is designated as the child	6381
support enforcement agency, services authorized by Title IV-D of	6382
the "Social Security Act" and provided for by Chapter 3125. of the	6383
Revised Code. The county department may perform the services	6384
itself or contract with other government entities, and, pursuant	6385
to division (C) of section 2301.35 and section 2301.42 of the	6386
Revised Code, private entities, to perform the Title IV-D	6387
services.	6388
(2) Administer disability <u>financial</u> assistance under Chapter	6389
5115. of the Revised Code, as required by the state department of	6390
job and family services <u>under section 5115.03 of the Revised Code;</u>	6391
<u>(3) Administer disability medical assistance, as required by</u>	6392
<u>the state department of job and family services under section</u>	6393
<u>5115.13 of the Revised Code;</u>	6394
(3) <u>(4)</u> Administer burials insofar as the administration of	6395
burials was, prior to September 12, 1947, imposed upon the board	6396
of county commissioners and if otherwise required by state law;	6397
(4) <u>(5)</u> Cooperate with state and federal authorities in any	6398
matter relating to family services and to act as the agent of such	6399
authorities;	6400
(5) <u>(6)</u> Submit an annual account of its work and expenses to	6401
the board of county commissioners and to the state department of	6402
job and family services at the close of each fiscal year;	6403

~~(6)~~(7) Exercise any powers and duties relating to family 6404
services or workforce development activities imposed upon the 6405
county department of job and family services by law, by resolution 6406
of the board of county commissioners, or by order of the governor, 6407
when authorized by law, to meet emergencies during war or peace; 6408

~~(7)~~(8) Determine the eligibility for medical assistance of 6409
recipients of aid under Title XVI of the "Social Security Act"; 6410

~~(8)~~(9) If assigned by the state director of job and family 6411
services under section 5101.515 of the Revised Code, determine 6412
applicants' eligibility for health assistance under the children's 6413
health insurance program part II; 6414

~~(9)~~(10) Enter into a plan of cooperation with the board of 6415
county commissioners under section 307.983, consult with the board 6416
in the development of the transportation work plan developed under 6417
section 307.985, establish with the board procedures under section 6418
307.986 for providing services to children whose families relocate 6419
frequently, and comply with the contracts the board enters into 6420
under sections 307.981 and 307.982 of the Revised Code that affect 6421
the county department; 6422

~~(10)~~(11) For the purpose of complying with a partnership 6423
agreement the board of county commissioners enters into under 6424
section 307.98 of the Revised Code, exercise the powers and 6425
perform the duties the partnership agreement assigns to the county 6426
department; 6427

~~(11)~~(12) If the county department is designated as the 6428
workforce development agency, provide the workforce development 6429
activities specified in the contract required by section 330.05 of 6430
the Revised Code. 6431

(B) The powers and duties of a county department of job and 6432
family services are, and shall be exercised and performed, under 6433
the control and direction of the board of county commissioners. 6434

The board may assign to the county department any power or duty of 6435
the board regarding family services and workforce development 6436
activities. If the new power or duty necessitates the state 6437
department of job and family services changing its federal cost 6438
allocation plan, the county department may not implement the power 6439
or duty unless the United States department of health and human 6440
services approves the changes. 6441

Sec. 329.051. The county department of job and family 6442
services shall make voter registration applications as prescribed 6443
by the secretary of state under section 3503.10 of the Revised 6444
Code available to persons who are applying for, receiving 6445
assistance from, or participating in any of the following: 6446

(A) The disability financial assistance program established 6447
under Chapter 5115. of the Revised Code; 6448

(B) The disability medical assistance program established 6449
under Chapter 5115. of the Revised Code; 6450

(C) The medical assistance program established under Chapter 6451
5111. of the Revised Code; 6452

~~(C)~~(D) The Ohio works first program established under Chapter 6453
5107. of the Revised Code; 6454

~~(D)~~(E) The prevention, retention, and contingency program 6455
established under Chapter 5108. of the Revised Code. 6456

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 6457
health service district comprised of a county with a population of 6458
two hundred fifty thousand or more ~~on the effective date of this~~ 6459
~~section,~~ the board of county commissioners ~~shall, within thirty~~ 6460
~~days of the effective date of this section,~~ establish may adopt a 6461
resolution providing for either of the following: 6462

(1) Establishment of a board of alcohol, drug addiction, and 6463

mental health services as the entity responsible for providing 6464
alcohol, drug addiction, and mental health services in the county; 6465

(2) Establishment of an alcohol and drug addiction services 6466
board as the entity responsible for providing alcohol and drug 6467
addiction services in the county, ~~unless, prior to that date, the~~ 6468
~~board adopts a resolution providing that the entity responsible~~ 6469
~~for providing the services is a board of alcohol, drug addiction,~~ 6470
~~and mental health services. If the board of county commissioners~~ 6471
~~establishes an alcohol and drug addiction services board, the~~ and 6472
a community mental health board established under former section 6473
340.02 of the Revised Code shall serve as the entity responsible 6474
for providing mental health services in the county. A Before 6475
adopting a resolution under division (A) of this section, the 6476
board of county commissioners shall provide notice of the proposed 6477
resolution to the board or boards that serve as the entity or 6478
entities responsible for providing alcohol, drug addiction, and 6479
mental health services in the county. The board of county 6480
commissioners shall not vote on the proposed resolution for at 6481
least sixty days after providing the notice. The board shall 6482
provide an opportunity for the entity or entities to comment on 6483
the proposed resolution. 6484

Each time a board of county commissioners adopts a resolution 6485
under division (A) of this section, the board shall provide for 6486
the equitable adjustment and division or combination of services, 6487
assets, property, debts, and obligations, if any, of the board or 6488
boards that served prior to the adoption of the resolution as the 6489
entity or entities responsible for providing alcohol, drug 6490
addiction, and mental health services in the county. 6491

(C) When a board of county commissioners adopts a resolution 6492
under division (A)(2) of this section providing for the 6493
establishment of an alcohol and drug addiction services board and 6494
a community mental health board, all of the following apply: 6495

(1) The community mental health board has all the powers, 6496
duties, and obligations of a board of alcohol, drug addiction, and 6497
mental health services with regard to mental health services. ~~An~~ 6498
The alcohol and drug addiction services board has all the powers, 6499
duties, and obligations of a board of alcohol, drug addiction, and 6500
mental health services with regard to alcohol and drug addiction 6501
services. ~~Any~~ 6502

(2) Any provision of the Revised Code that refers to a board 6503
of alcohol, drug addiction, and mental health services with regard 6504
to mental health services also refers to a the community mental 6505
health board ~~and any~~. Any provision of the Revised Code that 6506
refers to a board of alcohol, drug addiction, and mental health 6507
services with regard to alcohol and drug addiction services also 6508
refers to ~~an~~ the alcohol and drug addiction services board. 6509

~~An~~ (3) The alcohol and drug addiction services board shall 6510
consist of eighteen members, six of whom shall be appointed by the 6511
director of alcohol and drug addiction services and twelve of whom 6512
shall be appointed by the board of county commissioners. Of the 6513
members appointed by the director, one shall be a person who has 6514
received or is receiving services for alcohol or drug addiction, 6515
one shall be a parent or relative of such a person, one shall be a 6516
professional in the field of alcohol or drug addiction services, 6517
and one shall be an advocate for persons receiving treatment for 6518
alcohol or drug addiction. The membership of the board shall, as 6519
nearly as possible, reflect the composition of the population of 6520
the service district as to race and sex. Members shall be 6521
residents of the service district and shall be interested in 6522
alcohol and drug addiction services. Requirements for membership, 6523
including prohibitions against certain family and business 6524
relationships, and terms of office shall be the same as those for 6525
members of boards of alcohol, drug addiction, and mental health 6526
services. 6527

~~(B)~~ A (4) The community mental health board shall consist of 6528
eighteen members, six of whom shall be appointed by the director 6529
of mental health and twelve of whom shall be appointed by the 6530
board of county commissioners. Of the members appointed by the 6531
director, one shall be a person who has received or is receiving 6532
mental health services, one shall be a parent or relative of such 6533
a person, one shall be a psychiatrist or a physician, and one 6534
shall be a mental health professional. The membership of the board 6535
as nearly as possible shall reflect the composition of the 6536
population of the service district as to race and sex. Members 6537
shall be residents of the service district and shall be interested 6538
in mental health services. Requirements for membership, including 6539
prohibitions against certain family and business relationships, 6540
and terms of office shall be the same as those for members of 6541
boards of alcohol, drug addiction, and mental health services. 6542

Sec. 340.03. (A) Subject to rules issued by the director of 6543
mental health after consultation with relevant constituencies as 6544
required by division (A)(11) of section 5119.06 of the Revised 6545
Code, with regard to mental health services, the board of alcohol, 6546
drug addiction, and mental health services shall: 6547

(1) Serve as the community mental health planning agency for 6548
the county or counties under its jurisdiction, and in so doing it 6549
shall: 6550

(a) Evaluate the need for facilities and community mental 6551
health services; 6552

(b) In cooperation with other local and regional planning and 6553
funding bodies and with relevant ethnic organizations, assess the 6554
community mental health needs, set priorities, and develop plans 6555
for the operation of facilities and community mental health 6556
services; 6557

(c) In accordance with guidelines issued by the director of 6558
mental health after consultation with board representatives, 6559
develop and submit to the department of mental health, no later 6560
than six months prior to the conclusion of the fiscal year in 6561
which the board's current plan is scheduled to expire, a community 6562
mental health plan listing community mental health needs, 6563
including the needs of all residents of the district now residing 6564
in state mental institutions and severely mentally disabled 6565
adults, children, and adolescents; all children subject to a 6566
determination made pursuant to section 121.38 of the Revised Code; 6567
and all the facilities and community mental health services that 6568
are or will be in operation or provided during the period for 6569
which the plan will be in operation in the service district to 6570
meet such needs. 6571

The plan shall include, but not be limited to, a statement of 6572
which of the services listed in section 340.09 of the Revised Code 6573
the board intends to provide or purchase, an explanation of how 6574
the board intends to make any payments that it may be required to 6575
pay under section 5119.62 of the Revised Code, a statement of the 6576
inpatient and community-based services the board proposes that the 6577
department operate, an assessment of the number and types of 6578
residential facilities needed, and such other information as the 6579
department requests, and a budget for moneys the board expects to 6580
receive. The board shall also submit an allocation request for 6581
state and federal funds. Within sixty days after the department's 6582
determination that the plan and allocation request are complete, 6583
the department shall approve or disapprove the plan and request, 6584
in whole or in part, according to the criteria developed pursuant 6585
to section 5119.61 of the Revised Code. The department's statement 6586
of approval or disapproval shall specify the inpatient and the 6587
community-based services that the department will operate for the 6588
board. Eligibility for financial support shall be contingent upon 6589

an approved plan or relevant part of a plan. 6590

If the director disapproves all or part of any plan, the 6591
director shall inform the board of the reasons for the disapproval 6592
and of the criteria that must be met before the plan may be 6593
approved. The director shall provide the board an opportunity to 6594
present its case on behalf of the plan. The director shall give 6595
the board a reasonable time in which to meet the criteria, and 6596
shall offer the board technical assistance to help it meet the 6597
criteria. 6598

If the approval of a plan remains in dispute thirty days 6599
prior to the conclusion of the fiscal year in which the board's 6600
current plan is scheduled to expire, the board or the director may 6601
request that the dispute be submitted to a mutually agreed upon 6602
third-party mediator with the cost to be shared by the board and 6603
the department. The mediator shall issue to the board and the 6604
department recommendations for resolution of the dispute. Prior to 6605
the conclusion of the fiscal year in which the current plan is 6606
scheduled to expire, the director, taking into consideration the 6607
recommendations of the mediator, shall make a final determination 6608
and approve or disapprove the plan, in whole or in part. 6609

If a board determines that it is necessary to amend a plan or 6610
an allocation request that has been approved under division 6611
(A)(1)(c) of this section, the board shall submit a proposed 6612
amendment to the director. The director may approve or disapprove 6613
all or part of the amendment. If the director does not approve all 6614
or part of the amendment within thirty days after it is submitted, 6615
the amendment or part of it shall be considered to have been 6616
approved. The director shall inform the board of the reasons for 6617
disapproval of all or part of an amendment and of the criteria 6618
that must be met before the amendment may be approved. The 6619
director shall provide the board an opportunity to present its 6620
case on behalf of the amendment. The director shall give the board 6621

a reasonable time in which to meet the criteria, and shall offer 6622
the board technical assistance to help it meet the criteria. 6623

The board shall implement the plan approved by the 6624
department. 6625

(d) Receive, compile, and transmit to the department of 6626
mental health applications for state reimbursement; 6627

(e) Promote, arrange, and implement working agreements with 6628
social agencies, both public and private, and with judicial 6629
agencies. 6630

(2) Investigate, or request another agency to investigate, 6631
any complaint alleging abuse or neglect of any person receiving 6632
services from a community mental health agency as defined in 6633
section 5122.01 of the Revised Code, or from a residential 6634
facility licensed under section 5119.22 of the Revised Code. If 6635
the investigation substantiates the charge of abuse or neglect, 6636
the board shall take whatever action it determines is necessary to 6637
correct the situation, including notification of the appropriate 6638
authorities. Upon request, the board shall provide information 6639
about such investigations to the department. 6640

(3) For the purpose of section 5119.611 of the Revised Code, 6641
cooperate with the director of mental health in visiting and 6642
evaluating whether the services of a community mental health 6643
agency satisfy the certification standards established by rules 6644
adopted under that section; 6645

(4) In accordance with criteria established under division 6646
(G) of section 5119.61 of the Revised Code, review and evaluate 6647
the quality, effectiveness, and efficiency of services provided 6648
through its community mental health plan and submit its findings 6649
and recommendations to the department of mental health; 6650

(5) In accordance with section 5119.22 of the Revised Code, 6651
review applications for residential facility licenses and 6652

recommend to the department of mental health approval or 6653
disapproval of applications; 6654

(6) Audit, in accordance with rules adopted by the auditor of 6655
state pursuant to section 117.20 of the Revised Code, at least 6656
annually all programs and services provided under contract with 6657
the board. In so doing, the board may contract for or employ the 6658
services of private auditors. A copy of the fiscal audit report 6659
shall be provided to the director of mental health, the auditor of 6660
state, and the county auditor of each county in the board's 6661
district. 6662

(7) Recruit and promote local financial support for mental 6663
health programs from private and public sources; 6664

(8)(a) Enter into contracts with public and private 6665
facilities for the operation of facility services included in the 6666
board's community mental health plan and enter into contracts with 6667
public and private community mental health agencies for the 6668
provision of community mental health services listed in section 6669
340.09 of the Revised Code and included in the board's community 6670
mental health plan. Contracts with community mental health 6671
agencies are subject to section 5119.611 of the Revised Code. 6672
Section 307.86 of the Revised Code does not apply to contracts 6673
entered into under this division. In contracting with a community 6674
mental health agency, a board shall consider the cost 6675
effectiveness of services provided by that agency and the quality 6676
and continuity of care, and may review cost elements, including 6677
salary costs, of the services to be provided. A utilization review 6678
process shall be established as part of the contract for services 6679
entered into between a board and a community mental health agency. 6680
The board may establish this process in a way that is most 6681
effective and efficient in meeting local needs. In the case of a 6682
contract with a community mental health facility ~~described, as~~ 6683
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 6684

to provide services ~~established by~~ listed in division ~~(A)~~(B) of 6685
that section, the contract shall provide for the facility to be 6686
paid in accordance with the contract entered into between the 6687
departments of job and family services and mental health under 6688
~~division (E) of that~~ section 5111.91 of the Revised Code and any 6689
rules adopted under division (A) of section 5119.61 of the Revised 6690
Code. 6691

If either the board or a facility or community mental health 6692
agency with which the board contracts under division (A)(8)(a) of 6693
this section proposes not to renew the contract or proposes 6694
substantial changes in contract terms, the other party shall be 6695
given written notice at least one hundred twenty days before the 6696
expiration date of the contract. During the first sixty days of 6697
this one hundred twenty-day period, both parties shall attempt to 6698
resolve any dispute through good faith collaboration and 6699
negotiation in order to continue to provide services to persons in 6700
need. If the dispute has not been resolved sixty days before the 6701
expiration date of the contract, either party may notify the 6702
department of mental health of the unresolved dispute. The 6703
director may require both parties to submit the dispute to a third 6704
party with the cost to be shared by the board and the facility or 6705
community mental health agency. The third party shall issue to the 6706
board, the facility or agency, and the department recommendations 6707
on how the dispute may be resolved twenty days prior to the 6708
expiration date of the contract, unless both parties agree to a 6709
time extension. The director shall adopt rules establishing the 6710
procedures of this dispute resolution process. 6711

(b) With the prior approval of the director of mental health, 6712
a board may operate a facility or provide a community mental 6713
health service as follows, if there is no other qualified private 6714
or public facility or community mental health agency that is 6715
immediately available and willing to operate such a facility or 6716

provide the service: 6717

(i) In an emergency situation, any board may operate a 6718
facility or provide a community mental health service in order to 6719
provide essential services for the duration of the emergency; 6720

(ii) In a service district with a population of at least one 6721
hundred thousand but less than five hundred thousand, a board may 6722
operate a facility or provide a community mental health service 6723
for no longer than one year; 6724

(iii) In a service district with a population of less than 6725
one hundred thousand, a board may operate a facility or provide a 6726
community mental health service for no longer than one year, 6727
except that such a board may operate a facility or provide a 6728
community mental health service for more than one year with the 6729
prior approval of the director and the prior approval of the board 6730
of county commissioners, or of a majority of the boards of county 6731
commissioners if the district is a joint-county district. 6732

The director shall not give a board approval to operate a 6733
facility or provide a community mental health service under 6734
division (A)(8)(b)(ii) or (iii) of this section unless the 6735
director determines that it is not feasible to have the department 6736
operate the facility or provide the service. 6737

The director shall not give a board approval to operate a 6738
facility or provide a community mental health service under 6739
division (A)(8)(b)(iii) of this section unless the director 6740
determines that the board will provide greater administrative 6741
efficiency and more or better services than would be available if 6742
the board contracted with a private or public facility or 6743
community mental health agency. 6744

The director shall not give a board approval to operate a 6745
facility previously operated by a person or other government 6746
entity unless the board has established to the director's 6747

satisfaction that the person or other government entity cannot 6748
effectively operate the facility or that the person or other 6749
government entity has requested the board to take over operation 6750
of the facility. The director shall not give a board approval to 6751
provide a community mental health service previously provided by a 6752
community mental health agency unless the board has established to 6753
the director's satisfaction that the agency cannot effectively 6754
provide the service or that the agency has requested the board 6755
take over providing the service. 6756

The director shall review and evaluate a board's operation of 6757
a facility and provision of community mental health service under 6758
division (A)(8)(b) of this section. 6759

Nothing in division (A)(8)(b) of this section authorizes a 6760
board to administer or direct the daily operation of any facility 6761
or community mental health agency, but a facility or agency may 6762
contract with a board to receive administrative services or staff 6763
direction from the board under the direction of the governing body 6764
of the facility or agency. 6765

(9) Approve fee schedules and related charges or adopt a unit 6766
cost schedule or other methods of payment for contract services 6767
provided by community mental health agencies in accordance with 6768
guidelines issued by the department as necessary to comply with 6769
state and federal laws pertaining to financial assistance; 6770

(10) Submit to the director and the county commissioners of 6771
the county or counties served by the board, and make available to 6772
the public, an annual report of the programs under the 6773
jurisdiction of the board, including a fiscal accounting; 6774

(11) Establish, to the extent resources are available, a 6775
community support system, which provides for treatment, support, 6776
and rehabilitation services and opportunities. The essential 6777
elements of the system include, but are not limited to, the 6778

following components in accordance with section 5119.06 of the	6779
Revised Code:	6780
(a) To locate persons in need of mental health services to	6781
inform them of available services and benefits mechanisms;	6782
(b) Assistance for clients to obtain services necessary to	6783
meet basic human needs for food, clothing, shelter, medical care,	6784
personal safety, and income;	6785
(c) Mental health care, including, but not limited to,	6786
outpatient, partial hospitalization, and, where appropriate,	6787
inpatient care;	6788
(d) Emergency services and crisis intervention;	6789
(e) Assistance for clients to obtain vocational services and	6790
opportunities for jobs;	6791
(f) The provision of services designed to develop social,	6792
community, and personal living skills;	6793
(g) Access to a wide range of housing and the provision of	6794
residential treatment and support;	6795
(h) Support, assistance, consultation, and education for	6796
families, friends, consumers of mental health services, and	6797
others;	6798
(i) Recognition and encouragement of families, friends,	6799
neighborhood networks, especially networks that include racial and	6800
ethnic minorities, churches, community organizations, and	6801
meaningful employment as natural supports for consumers of mental	6802
health services;	6803
(j) Grievance procedures and protection of the rights of	6804
consumers of mental health services;	6805
(k) Case management, which includes continual individualized	6806
assistance and advocacy to ensure that needed services are offered	6807
and procured.	6808

(12) Designate the treatment program, agency, or facility for 6809
each person involuntarily committed to the board pursuant to 6810
Chapter 5122. of the Revised Code and authorize payment for such 6811
treatment. The board shall provide the least restrictive and most 6812
appropriate alternative that is available for any person 6813
involuntarily committed to it and shall assure that the services 6814
listed in section 340.09 of the Revised Code are available to 6815
severely mentally disabled persons residing within its service 6816
district. The board shall establish the procedure for authorizing 6817
payment for services, which may include prior authorization in 6818
appropriate circumstances. The board may provide for services 6819
directly to a severely mentally disabled person when life or 6820
safety is endangered and when no community mental health agency is 6821
available to provide the service. 6822

(13) Establish a method for evaluating referrals for 6823
involuntary commitment and affidavits filed pursuant to section 6824
5122.11 of the Revised Code in order to assist the probate 6825
division of the court of common pleas in determining whether there 6826
is probable cause that a respondent is subject to involuntary 6827
hospitalization and what alternative treatment is available and 6828
appropriate, if any; 6829

(14) Ensure that apartments or rooms built, subsidized, 6830
renovated, rented, owned, or leased by the board or a community 6831
mental health agency have been approved as meeting minimum fire 6832
safety standards and that persons residing in the rooms or 6833
apartments are receiving appropriate and necessary services, 6834
including culturally relevant services, from a community mental 6835
health agency. This division does not apply to residential 6836
facilities licensed pursuant to section 5119.22 of the Revised 6837
Code. 6838

(15) Establish a mechanism for involvement of consumer 6839
recommendation and advice on matters pertaining to mental health 6840

services in the alcohol, drug addiction, and mental health service 6841
district; 6842

(16) Perform the duties under section 3722.18 of the Revised 6843
Code required by rules adopted under section 5119.61 of the 6844
Revised Code regarding referrals by the board or mental health 6845
agencies under contract with the board of individuals with mental 6846
illness or severe mental disability to adult care facilities and 6847
effective arrangements for ongoing mental health services for the 6848
individuals. The board is accountable in the manner specified in 6849
the rules for ensuring that the ongoing mental health services are 6850
effectively arranged for the individuals. 6851

(B) The board shall establish such rules, operating 6852
procedures, standards, and bylaws, and perform such other duties 6853
as may be necessary or proper to carry out the purposes of this 6854
chapter. 6855

(C) A board of alcohol, drug addiction, and mental health 6856
services may receive by gift, grant, devise, or bequest any 6857
moneys, lands, or property for the benefit of the purposes for 6858
which the board is established, and may hold and apply it 6859
according to the terms of the gift, grant, or bequest. All money 6860
received, including accrued interest, by gift, grant, or bequest 6861
shall be deposited in the treasury of the county, the treasurer of 6862
which is custodian of the alcohol, drug addiction, and mental 6863
health services funds to the credit of the board and shall be 6864
available for use by the board for purposes stated by the donor or 6865
grantor. 6866

(D) No board member or employee of a board of alcohol, drug 6867
addiction, and mental health services shall be liable for injury 6868
or damages caused by any action or inaction taken within the scope 6869
of the board member's official duties or the employee's 6870
employment, whether or not such action or inaction is expressly 6871
authorized by this section, section 340.033, or any other section 6872

of the Revised Code, unless such action or inaction constitutes 6873
willful or wanton misconduct. Chapter 2744. of the Revised Code 6874
applies to any action or inaction by a board member or employee of 6875
a board taken within the scope of the board member's official 6876
duties or employee's employment. For the purposes of this 6877
division, the conduct of a board member or employee shall not be 6878
considered willful or wanton misconduct if the board member or 6879
employee acted in good faith and in a manner that the board member 6880
or employee reasonably believed was in or was not opposed to the 6881
best interests of the board and, with respect to any criminal 6882
action or proceeding, had no reasonable cause to believe the 6883
conduct was unlawful. 6884

(E) The meetings held by any committee established by a board 6885
of alcohol, drug addiction, and mental health services shall be 6886
considered to be meetings of a public body subject to section 6887
121.22 of the Revised Code. 6888

Sec. 505.69. As used in this section, "rail property" and 6889
"rail service" have the same meanings as in section ~~4981.01~~ 6890
5507.01 of the Revised Code. 6891

The board of township trustees may acquire, rehabilitate, and 6892
develop rail property and rail service, and may enter into 6893
agreements with ~~the Ohio rail development commission~~, boards of 6894
county commissioners, legislative authorities of municipal 6895
corporations, other boards of township trustees, with other 6896
governmental agencies or organizations, and with private agencies 6897
or organizations in order to achieve those purposes. 6898

Sec. 717.01. Each municipal corporation may do any of the 6899
following: 6900

(A) Acquire by purchase or condemnation real estate with or 6901
without buildings on it, and easements or interests in real 6902

estate;	6903
(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;	6904 6905 6906
(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;	6907 6908
(D) Purchase turnpike roads and make them free;	6909
(E) Construct wharves and landings on navigable waters;	6910
(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;	6911 6912 6913 6914
(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;	6915 6916 6917
(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	6918 6919 6920 6921
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	6922 6923
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	6924 6925
(K) Construct free public libraries and reading rooms, and free recreation centers;	6926 6927
(L) Establish free public baths and municipal lodging houses;	6928
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	6929 6930 6931

(N) Provide land for and improve parks, boulevards, and public playgrounds;	6932 6933
(O) Construct hospitals and pesthouses;	6934
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	6935 6936
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	6937 6938 6939
(R) Construct or improve viaducts, bridges, and culverts;	6940
(S)(1) Construct any building necessary for the police or fire department;	6941 6942
(2) Purchase fire engines or fire boats;	6943
(3) Construct water towers or fire cisterns;	6944
(4) Place underground the wires or signal apparatus of any police or fire department.	6945 6946
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	6947 6948
(U) Construct subways under any street or boulevard or elsewhere;	6949 6950
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal	6951 6952 6953 6954 6955 6956 6957 6958 6959 6960

corporation may take or disturb property or facilities belonging 6961
to any public utility or to a common carrier engaged in interstate 6962
commerce, which property or facilities are required for the proper 6963
and convenient operation of the utility or carrier, unless 6964
provision is made for the restoration, relocation, or duplication 6965
of the property or facilities elsewhere at the sole cost of the 6966
municipal corporation. 6967

(W) Provide by agreement with any regional airport authority, 6968
created under section 308.03 of the Revised Code, for the making 6969
of necessary surveys, appraisals, and examinations preliminary to 6970
the acquisition or construction of any airport or airport facility 6971
and pay the portion of the expense of the surveys, appraisals, and 6972
examinations as set forth in the agreement; 6973

(X) Provide by agreement with any regional airport authority, 6974
created under section 308.03 of the Revised Code, for the 6975
acquisition, construction, maintenance, or operation of any 6976
airport or airport facility owned or to be owned and operated by 6977
the regional airport authority or owned or to be owned and 6978
operated by the municipal corporation and pay the portion of the 6979
expense of it as set forth in the agreement; 6980

(Y) Acquire by gift, purchase, lease, or condemnation, land, 6981
forest, and water rights necessary for conservation of forest 6982
reserves, water parks, or reservoirs, either within or without the 6983
limits of the municipal corporation, and improve and equip the 6984
forest and water parks with structures, equipment, and 6985
reforestation necessary or appropriate for any purpose for the 6986
utilization of any of the forest and water benefits that may 6987
properly accrue therefrom to the municipal corporation; 6988

(Z) Acquire real property by purchase, gift, or devise and 6989
construct and maintain on it public swimming pools, either within 6990
or outside the limits of the municipal corporation; 6991

(AA) Construct or rehabilitate, equip, maintain, operate, and 6992
lease facilities for housing of elderly persons and for persons of 6993
low and moderate income, and appurtenant facilities. No municipal 6994
corporation shall deny housing accommodations to or withhold 6995
housing accommodations from elderly persons or persons of low and 6996
moderate income because of race, color, religion, sex, familial 6997
status as defined in section 4112.01 of the Revised Code, 6998
disability as defined in that section, ancestry, or national 6999
origin. Any elderly person or person of low or moderate income who 7000
is denied housing accommodations or has them withheld by a 7001
municipal corporation because of race, color, religion, sex, 7002
familial status as defined in section 4112.01 of the Revised Code, 7003
disability as defined in that section, ancestry, or national 7004
origin may file a charge with the Ohio civil rights commission as 7005
provided in Chapter 4112. of the Revised Code. 7006

(BB) Acquire, rehabilitate, and develop rail property or rail 7007
service, and enter into agreements with ~~the Ohio rail development~~ 7008
~~commission~~, boards of county commissioners, boards of township 7009
trustees, legislative authorities of other municipal corporations, 7010
with other governmental agencies or organizations, and with 7011
private agencies or organizations in order to achieve those 7012
purposes; 7013

(CC) Appropriate and contribute money to a soil and water 7014
conservation district for use under Chapter 1515. of the Revised 7015
Code; 7016

(DD) Authorize the board of county commissioners, pursuant to 7017
a contract authorizing the action, to contract on the municipal 7018
corporation's behalf for the administration and enforcement within 7019
its jurisdiction of the state building code by another county or 7020
another municipal corporation located within or outside the 7021
county. The contract for administration and enforcement shall 7022
provide for obtaining certification pursuant to division (E) of 7023

section 3781.10 of the Revised Code for the exercise of 7024
administration and enforcement authority within the municipal 7025
corporation seeking those services and shall specify which 7026
political subdivision is responsible for securing that 7027
certification. 7028

(EE) Expend money for providing and maintaining services and 7029
facilities for senior citizens. 7030

"Airport," "landing field," and "air navigation facility," as 7031
defined in section 4561.01 of the Revised Code, apply to division 7032
(V) of this section. 7033

As used in divisions (W) and (X) of this section, "airport" 7034
and "airport facility" have the same meanings as in section 308.01 7035
of the Revised Code. 7036

As used in division (BB) of this section, "rail property" and 7037
"rail service" have the same meanings as in section ~~4981.01~~ 7038
5507.01 of the Revised Code. 7039

Sec. 901.17. ~~(A)~~ The division of markets ~~shall~~ may do all of 7040
the following: 7041

~~(1)~~(A) Investigate the cost of production and marketing in 7042
all its phases; 7043

~~(2)~~(B) Gather and disseminate information concerning supply, 7044
demand, prevailing prices, and commercial movements, including 7045
common and cold storage of food products, and maintain market news 7046
service for disseminating such information; 7047

~~(3)~~(C) Promote, assist, and encourage the organization and 7048
operation of cooperative and other associations and organizations 7049
for improving the relations and services among producers, 7050
distributors, and consumers of food products; 7051

~~(4)~~(D) Investigate the practice, methods, and any specific 7052
transaction of commission merchants and others who receive, 7053

solicit, buy, or handle on commission or otherwise, food products; 7054

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 7055
controversy or issue that arises between producers and 7056
distributors and that affects the interest of the consumer; 7057

~~(6)~~(F) Act on behalf of the consumers in conserving and 7058
protecting their interests in every practicable way against 7059
excessive prices; 7060

~~(7)~~(G) Act as market adviser for producers and distributors, 7061
assisting them in economical and efficient distribution of good 7062
products at fair prices; 7063

~~(8)~~(H) Encourage the establishment of retail municipal 7064
markets and develop direct dealing between producers and 7065
consumers; 7066

~~(9)~~(I) Encourage the consumption of Ohio-grown products 7067
within the state, nationally, and internationally, ~~and inspect and~~ 7068
~~determine the grade and condition of farm produce, both at~~ 7069
~~collecting and receiving centers within the state;~~ 7070

~~(10)~~(J) Take such means and use such powers, relative to 7071
shipment, transportation, and storage of foodstuffs of any kind, 7072
as are necessary, advisable, or desirable in case of an emergency 7073
creating or threatening to create a scarcity of food within the 7074
state; 7075

(K) Participate in trade missions between states and foreign 7076
countries in order to encourage the sale and promotion of 7077
Ohio-grown products. 7078

~~(B)(1) The director of agriculture shall adopt and may amend~~ 7079
~~schedules of fees to be charged for inspecting farm produce at~~ 7080
~~collecting and receiving centers or such other services as may be~~ 7081
~~rendered under this section. All such fees shall be made with a~~ 7082
~~view to the minimum cost and to make this branch of the department~~ 7083

~~of agriculture self sustaining.~~ 7084

~~The fees shall be deposited in the state treasury and 7085
credited to the inspection fund, which is hereby created, for use 7086
in carrying out the purposes of this section. All investment 7087
earnings of the inspection fund shall be credited to the fund. If, 7088
in any year, the balance in the inspection fund is not sufficient 7089
to meet the expenses incurred pursuant to this section, the 7090
deficit shall be paid from funds appropriated for the use of the 7091
department. 7092~~

~~(2) The director may adopt a schedule of fees to be charged 7093
for inspecting any agricultural product for the purposes of the 7094
issuance of an export certificate, as may be required by the 7095
United States department of agriculture or foreign purchasers. 7096
Such fees shall be credited to the general revenue fund. 7097~~

Sec. 901.21. (A) As used in this section and section 901.22 7098
of the Revised Code: 7099

(1) "Agricultural easement" has the same meaning as in 7100
section 5301.67 of the Revised Code. 7101

(2) "Agriculture" means those activities occurring on land 7102
devoted exclusively to agricultural use, as defined in section 7103
5713.30 of the Revised Code, or on land that constitutes a 7104
homestead. 7105

(3) "Homestead" means the portion of a farm on which is 7106
located a dwelling house, yard, or outbuildings such as a barn or 7107
garage. 7108

(B) The director of agriculture may acquire real property 7109
used predominantly in agriculture and agricultural easements by 7110
gift, devise, or bequest if, at the time an easement is granted, 7111
such an easement is on land that is valued for purposes of real 7112
property taxation at its current value for agricultural use under 7113

section 5713.31 of the Revised Code or that constitutes a 7114
homestead. Any terms may be included in an agricultural easement 7115
so acquired that are necessary or appropriate to preserve on 7116
behalf of the grantor of the easement the favorable tax 7117
consequences of the gift, devise, or bequest under the "Internal 7118
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7119
The director, by any such means or by purchase or lease, may 7120
acquire, or acquire the use of, stationary personal property or 7121
equipment that is located on land acquired in fee by the director 7122
under this section and that is necessary or appropriate for the 7123
use of the land predominantly in agriculture. 7124

(C) The director may do all things necessary or appropriate 7125
to retain the use of real property acquired in fee under division 7126
(B) of this section predominantly in agriculture, including, 7127
without limitation, performing any of the activities described in 7128
division (A)(1) or (2) of section 5713.30 of the Revised Code or 7129
entering into contracts to lease or rent the real property so 7130
acquired to persons or governmental entities that will use the 7131
land predominantly in agriculture. 7132

(D)(1) When the director considers it to be necessary or 7133
appropriate, the director may sell real property acquired in fee, 7134
and stationary personal property or equipment acquired by gift, 7135
devise, bequest, or purchase, under division (B) of this section 7136
on such terms as the director considers to be advantageous to this 7137
state. 7138

(2) An agricultural easement acquired under division (B) of 7139
this section may be extinguished under the circumstances 7140
prescribed, and in accordance with the terms and conditions set 7141
forth, in the instrument conveying the agricultural easement. 7142

(E) There is hereby created in the state treasury the 7143
agricultural easement purchase fund. The fund shall consist of the 7144
proceeds received from the sale of real and personal property 7145

under division (D) of this section; moneys received due to the 7146
extinguishment of agricultural easements acquired by the director 7147
under division (B) of this section or section 5301.691 of the 7148
Revised Code; moneys received due to the extinguishment of 7149
agricultural easements purchased with the assistance of matching 7150
grants made under section 901.22 of the Revised Code; gifts, 7151
bequests, devises, and contributions received by the director for 7152
the purpose of acquiring agricultural easements; and grants 7153
received from public or private sources for the purpose of 7154
purchasing agricultural easements. The fund shall be administered 7155
by the director, and moneys in the fund shall be used by the 7156
director exclusively to purchase agricultural easements under 7157
division (A) of section 5301.691 of the Revised Code and provide 7158
matching grants under section 901.22 of the Revised Code to 7159
municipal corporations, counties, townships, and charitable 7160
organizations for the purchase of agricultural easements. Money in 7161
the fund shall be used only to purchase agricultural easements on 7162
land that is valued for purposes of real property taxation at its 7163
current value for agricultural use under section 5713.31 of the 7164
Revised Code or that constitutes a homestead when the easement is 7165
purchased. 7166

(F) There is hereby created in the state treasury the clean 7167
Ohio agricultural easement fund. Twelve and one-half per cent of 7168
net proceeds of obligations issued and sold pursuant to sections 7169
151.01 and 151.09 of the Revised Code shall be deposited into the 7170
fund. The fund shall be used by the director for the purposes of 7171
sections 901.21 and 901.22 and the provisions of sections 5301.67 7172
to 5301.70 of the Revised Code governing agricultural easements. 7173
Investment earnings of the fund shall be credited to the fund. ~~For~~ 7174
~~two years after the effective date of this amendment, investment~~ 7175
~~earnings credited to the fund~~ and may be used to pay costs 7176
incurred by the director in administering those sections and 7177
provisions. 7178

(G) The term of an agricultural easement purchased wholly or 7179
in part with money from the clean Ohio agricultural easement fund 7180
or the agricultural easement purchase fund shall be perpetual and 7181
shall run with the land. 7182

Sec. 921.151. The pesticide program fund is hereby created in 7183
the state treasury. ~~All~~ The portion of the money in the fund that 7184
is collected under this chapter shall be used to carry out the 7185
purposes of this chapter. The portion of the money in the fund 7186
that is collected under section 927.69 of the Revised Code shall 7187
be used to carry out the purposes specified in that section, and 7188
the portion of the money in the fund that is collected under 7189
section 927.701 of the Revised Code shall be used to carry out the 7190
purposes of that section. The fund shall consist of fees collected 7191
under sections 921.01 to 921.15 and section 927.69 of the Revised 7192
Code, money collected under section 927.701 of the Revised Code, 7193
and all fines, penalties, costs, and damages, except court costs, 7194
~~which~~ that are collected by either the director of agriculture or 7195
the attorney general in consequence of any violation of sections 7196
921.01 to 921.29 of the Revised Code. Not later than the thirtieth 7197
day of June of each year, the director of budget and management 7198
shall determine whether the amount credited to the pesticide 7199
program fund under this chapter is in excess of the amount 7200
necessary to meet the expenses of the director of agriculture in 7201
administering this chapter and shall transfer any such excess from 7202
the pesticide program fund to the general revenue fund. 7203

Sec. 927.69. To effect the purpose of sections 927.51 to 7204
927.74, ~~inclusive,~~ of the Revised Code, the director of 7205
agriculture, ~~or his~~ the director's authorized representative, may: 7206

(A) Make reasonable inspection of any premises in this state 7207
and any property therein or thereon; 7208

(B) Stop and inspect in a reasonable manner, any means of conveyance moving within this state upon probable cause to believe it contains or carries any pest, host, commodity, or other article ~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive~~, of the Revised Code;

(C) Conduct inspections of agricultural products that are required by other states, the United States department of agriculture, other federal agencies, or foreign countries to determine whether the products are infested. If, upon making such an inspection, the director or the director's authorized representative determines that an agricultural product is not infested, the director or the director's authorized representative may issue a certificate, as required by other states, the United States department of agriculture, other federal agencies, or foreign countries, indicating that the product is not infested.

If the director charges fees for any of the certificates, agreements, or inspections specified in this division, the fees shall be as follows:

- (1) Phyto sanitary certificates, twenty-five dollars;
- (2) Compliance agreements, twenty dollars;
- (3) Solid wood packing certificates, twenty dollars;
- (4) Vegetable, fruit, and field crop inspections, sixty-five dollars.

The director may adopt rules under section 927.52 of the Revised Code that define the certificates, agreements, and inspections.

The fees shall be deposited into the state treasury to the credit of the pesticide program fund created in Chapter 921. of the Revised Code. Money credited to the fund shall be used to pay the costs incurred by the department of agriculture in employing a

minimum of two inspectors. 7239

Sec. 927.701. (A) As used in this section, "gypsy moth" means 7240
the live insect, Lymantria dispar, in any stage of development. 7241

7242

(B) The director of agriculture may establish a voluntary 7243
gypsy moth suppression program under which a landowner may request 7244
that the department of agriculture have the landowner's property 7245
aerially sprayed to suppress the presence of gypsy moths in 7246
exchange for payment from the landowner of a portion of the cost 7247
of the spraying. To determine the amount of payment that is due 7248
from a landowner, the department first shall determine the 7249
projected cost per acre to the department of gypsy moth 7250
suppression activities for the year in which the landowner's 7251
request is made. The cost shall be calculated by determining the 7252
total expense of aerial spraying for gypsy moths to be incurred by 7253
the department in that year divided by the total number of acres 7254
proposed to be sprayed in that year. With respect to a landowner, 7255
the department shall multiply the cost per acre by the number of 7256
acres that the landowner requests to be sprayed. The department 7257
shall add to that amount any administrative costs that it incurs 7258
in billing the landowner and collecting payment. The amount that 7259
the landowner shall pay to the department shall not exceed fifty 7260
per cent of the resulting amount. 7261

(C) The director shall adopt rules under Chapter 119. of the 7262
Revised Code to establish procedures under which a landowner may 7263
make a request under division (B) of this section and to establish 7264
provisions governing agreements between the department and 7265
landowners concerning gypsy moth suppression together with any 7266
other provisions that the director considers appropriate to 7267
administer this section. 7268

(D) The director shall deposit all money collected under this 7269

section into the state treasury to the credit of the pesticide 7270
program fund created in Chapter 921. of the Revised Code. Money 7271
credited to the fund under this section shall be used for the 7272
suppression of gypsy moths in accordance with this section. 7273

Sec. 1309.109. (A) Except as otherwise provided in divisions 7274
(C) and (D) of this section, this chapter applies to the 7275
following: 7276

(1) A transaction, regardless of its form, that creates a 7277
security interest in personal property or fixtures by contract; 7278

(2) An agricultural lien; 7279

(3) A sale of accounts, chattel paper, payment intangibles, 7280
or promissory notes; 7281

(4) A consignment; 7282

(5) A security interest arising under section 1302.42 or 7283
1302.49, division (C) of section 1302.85, or division (E) of 7284
section 1310.54 of the Revised Code, as provided in section 7285
1309.110 of the Revised Code; and 7286

(6) A security interest arising under section 1304.20 or 7287
1305.18 of the Revised Code. 7288

(B) The application of this chapter to a security interest in 7289
a secured obligation is not affected by the fact that the 7290
obligation is itself secured by a transaction or interest to which 7291
this chapter does not apply. 7292

(C) This chapter does not apply to the extent that: 7293

(1) A statute, regulation, or treaty of the United States 7294
preempts this chapter; or 7295

(2) The rights of a transferee beneficiary or nominated 7296
person under a letter of credit are independent and superior under 7297
section 1305.13 of the Revised Code. 7298

(D) This chapter does not apply to <u>the following</u> :	7299
(1) A landlord's lien, other than an agricultural lien;	7300
(2)(a) A lien, not enumerated in division (D)(2) of this section and other than an agricultural lien, given by statute or other rule of law for services or materials, including any lien created under any provision of Chapter 926., sections 1311.55 to 1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter 4585. of the Revised Code;	7301 7302 7303 7304 7305 7306
(b) Notwithstanding division (D)(2)(a) of this section, section 1309.333 of the Revised Code applies with respect to priority of the lien.	7307 7308 7309
(3) An assignment of a claim for wages, salary, or other compensation of an employee;	7310 7311
(4) A sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;	7312 7313 7314
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	7315 7316 7317
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	7318 7319
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	7320 7321 7322
(8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	7323 7324 7325 7326 7327 7328

(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	7329 7330
(10) A right of recoupment or set-off, but:	7331
(a) Section 1309.340 of the Revised Code applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and	7332 7333 7334
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	7335 7336
(11) The creation or transfer of an interest in or lien on real property, including a lease or rents under a lease, except to the extent that provision is made for:	7337 7338 7339
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	7340 7341
(b) Fixtures in section 1309.334 of the Revised Code;	7342
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and	7343 7344
(d) Security agreements covering personal and real property in section 1309.604 of the Revised Code.	7345 7346
(12) An assignment of a claim arising in tort, other than a commercial tort claim, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	7347 7348 7349 7350
(13) An assignment of a deposit account in a consumer transaction, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds; or	7351 7352 7353
(14) A transfer by a government, state, or governmental unit.	7354
(E) The granting of a security interest in all or any part of a lottery prize award for consideration is subject to the prohibition of division (A)(3) (C) of section 3770.07 of the	7355 7356 7357

Revised Code. The sale, assignment, or other redirection of a 7358
lottery prize award for consideration is subject to the provisions 7359
of division ~~(A)(4)~~(D) of section 3770.07 and sections 3770.10 to 7360
3770.14 of the Revised Code. 7361

Sec. 1321.21. All fees, charges, penalties, and forfeitures 7362
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 7363
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 7364
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 7365
the superintendent of financial institutions and shall be 7366
deposited by the superintendent into the state treasury to the 7367
credit of the consumer finance fund, which is hereby created. The 7368
fund may be expended or obligated by the superintendent for the 7369
defrayment of the costs of administration of Chapters 1321., 7370
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 7371
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 7372
the Revised Code by the division of financial institutions. All 7373
actual and necessary expenses incurred by the superintendent, 7374
including any services rendered by the department of commerce for 7375
the division's administration of Chapters 1321., 1322., 4712., 7376
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 7377
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 7378
Code, shall be paid from the fund. The fund shall be assessed a 7379
proportionate share of the administrative costs of the department 7380
and the division. The proportionate share of the administrative 7381
costs of the division of financial institutions shall be 7382
determined in accordance with procedures prescribed by the 7383
superintendent and approved by the director of budget and 7384
management. Such assessment shall be paid from the consumer 7385
finance fund to the division of administration fund or the 7386
financial institutions fund. 7387

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 7388

1333.04 of the Revised Code is guilty of a minor misdemeanor. 7389

(B) Whoever violates section 1333.12 of the Revised Code is 7390
guilty of a misdemeanor of the fourth degree. 7391

(C) Whoever violates section 1333.36 of the Revised Code is 7392
guilty of a misdemeanor of the third degree. 7393

(D) A prosecuting attorney may file an action to restrain any 7394
person found in violation of section 1333.36 of the Revised Code. 7395
Upon the filing of such an action, the common pleas court may 7396
receive evidence of such violation and forthwith grant a temporary 7397
restraining order as may be prayed for, pending a hearing on the 7398
merits of said cause. 7399

(E) Whoever violates division (A)(1) of section 1333.52 or 7400
section 1333.81 of the Revised Code is guilty of a misdemeanor of 7401
the first degree. 7402

(F) Whoever violates division (A)(2) or (B) of section 7403
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 7404
Code is guilty of a misdemeanor of the second degree. 7405

(G) Except as otherwise provided in this division, whoever 7406
violates section 1333.92 of the Revised Code is guilty of a 7407
misdemeanor of the first degree. If the value of the compensation 7408
is five hundred dollars or more and less than five thousand 7409
dollars, whoever violates section 1333.92 of the Revised Code is 7410
guilty of a felony of the fifth degree. If the value of the 7411
compensation is five thousand dollars or more and less than one 7412
hundred thousand dollars, whoever violates section 1333.92 of the 7413
Revised Code is guilty of a felony of the fourth degree. If the 7414
value of the compensation is one hundred thousand dollars or more, 7415
whoever violates section 1333.92 of the Revised Code is guilty of 7416
a felony of the third degree. 7417

~~(H) Whoever violates division (B), (C), or (I) of section 7418
1333.96 of the Revised Code is guilty of a misdemeanor of the 7419~~

~~third degree.~~ 7420

~~(I) Any person not registered as a travel agency or tour promoter as provided in divisions (B) and (C) of section 1333.96 of the Revised Code who states that the person is so registered is guilty of a misdemeanor of the first degree.~~ 7421
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Sec. 1501.04. There is hereby created in the department of 7425
natural resources a recreation and resources commission composed 7426
of the ~~chairman~~ chairperson of the wildlife council created under 7427
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 7428
the parks and recreation council created under section 1541.40 of 7429
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 7430
council created under section 1547.73 of the Revised Code, the 7431
~~chairman~~ chairperson of the technical advisory council on oil and 7432
gas created under section 1509.38 of the Revised Code, the 7433
chairman of the forestry advisory council created under section 7434
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 7435
soil and water conservation commission created under section 7436
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 7437
natural areas council created under section 1517.03 of the Revised 7438
Code, the ~~chairman~~ chairperson of the Ohio water advisory council 7439
created under section 1521.031 of the Revised Code, the 7440
chairperson of the recycling and litter prevention advisory 7441
council created under section 1502.04 of the Revised Code, ~~the~~ 7442
~~chairperson of the civilian conservation advisory council created~~ 7443
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 7444
chairperson of the Ohio geology advisory council created under 7445
section 1505.11 of the Revised Code, and five members appointed by 7446
the governor with the advice and consent of the senate, not more 7447
than three of whom shall belong to the same political party. The 7448
director of natural resources shall be an ex officio member of the 7449
commission, with a voice in its deliberations, but without the 7450
power to vote. 7451

Terms of office of members of the commission appointed by the 7452
governor shall be for five years, commencing on the second day of 7453
February and ending on the first day of February. Each member 7454
shall hold office from the date of ~~his~~ appointment until the end 7455
of the term for which ~~he~~ the member was appointed. 7456

In the event of the death, removal, resignation, or 7457
incapacity of a member of the commission, the governor, with the 7458
advice and consent of the senate, shall appoint a successor who 7459
shall hold office for the remainder of the term for which ~~his~~ the 7460
member's predecessor was appointed. Any member shall continue in 7461
office subsequent to the expiration date of ~~his~~ the member's term 7462
until ~~his~~ the member's successor takes office, or until a period 7463
of sixty days has elapsed, whichever occurs first. 7464

The governor may remove any appointed member of the 7465
commission for misfeasance, nonfeasance, or malfeasance in office. 7466

The commission shall exercise no administrative function, but 7467
may: 7468

(A) Advise with and recommend to the director ~~of natural~~ 7469
~~resources~~ as to plans and programs for the management, 7470
development, utilization, and conservation of the natural 7471
resources of the state; 7472

(B) Advise with and recommend to the director as to methods 7473
of coordinating the work of the divisions of the department; 7474

(C) Consider and make recommendations upon any matter ~~which~~ 7475
that the director may submit to it; 7476

(D) Submit to the governor biennially recommendations for 7477
amendments to the conservation laws of the state. 7478

~~Before~~ Each member of the commission, before entering upon 7479
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 7480
~~commission~~ shall take and subscribe to an oath of office, which 7481

oath, in writing, shall be filed in the office of the secretary of state. 7482
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The members of the commission shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the performance of their official duties. 7484
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The commission, by a majority vote of all its members, shall adopt and amend bylaws. 7488
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To be eligible for appointment, a person shall be a citizen of the United States and an elector of the state and shall possess a knowledge of and have an interest in the natural resources of this state. 7490
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The commission shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the commission provide. Notices of all meetings shall be given in such manner as the bylaws provide. The commission shall choose annually from among its members a ~~chairman~~ chairperson to preside over its meetings and a secretary to keep a record of its proceedings. A majority of the members of the commission constitutes a quorum. No advice shall be given or recommendation made without a majority of the members of the commission concurring therein. 7494
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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 7504
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of June. Each member shall hold office from the date of 7513
appointment until the end of the term for which the appointment 7514
was made. Each vacancy occurring on the commission shall be filled 7515
by appointment within sixty days after the vacancy occurs. Any 7516
member appointed to fill a vacancy occurring prior to the 7517
expiration of the term for which the member's predecessor was 7518
appointed shall hold office for the remainder of such term. Any 7519
member shall continue in office subsequent to the expiration date 7520
of the member's term until the member's successor takes office, or 7521
until a period of sixty days has elapsed, whichever occurs first. 7522

Two of the appointees to the commission shall be persons who, 7523
at the time of their appointment, own and operate a farm or are 7524
retired farmers. Notwithstanding section 1513.04 of the Revised 7525
Code, one of the appointees to the commission shall be a person 7526
who, at the time of appointment, is the representative of an 7527
operator of a coal mine. One of the appointees to the commission 7528
shall be a person who, by reason of the person's previous 7529
vocation, employment, or affiliations, can be classed as a 7530
representative of the public. One of the appointees to the 7531
commission shall be a person who, by reason of previous training 7532
and experience, can be classed as one learned and experienced in 7533
modern forestry practices. One of the appointees to the commission 7534
shall be a person who, by reason of previous training and 7535
experience, can be classed as one learned and experienced in 7536
agronomy. One of the appointees to the commission shall be either 7537
a person who, by reason of previous training and experience, can 7538
be classed as one capable and experienced in earth-grading 7539
problems, or a civil engineer. Beginning not later than five years 7540
after the effective date of this amendment, at least one of the 7541
seven appointees to the commission shall be an attorney at law who 7542
is admitted to practice in this state and is familiar with mining 7543
issues. Not more than four members shall be members of the same 7544
political party. 7545

The two additional members of the commission who are 7546
appointed specifically to hear appeals that involve mine safety 7547
issues shall be individuals who, because of previous vocation, 7548
employment, or affiliation, can be classified as representatives 7549
of employees currently engaged in mining operations. One shall be 7550
a representative of coal miners, and one shall be a representative 7551
of aggregates miners. Prior to making the appointment, the 7552
governor shall request the highest ranking officer in the major 7553
employee organization representing coal miners in this state to 7554
submit to the governor the names and qualifications of three 7555
nominees and shall request the highest ranking officer in the 7556
major employee organization representing aggregates miners in this 7557
state to do the same. The governor shall appoint one person 7558
nominated by each organization to the commission. The nominees 7559
shall have not less than five years of practical experience in 7560
dealing with mine health and safety issues and at the time of the 7561
nomination shall be employed in positions that involve the 7562
protection of the health and safety of miners. The major employee 7563
organization representing coal miners and the major employee 7564
organization representing aggregates miners shall represent a 7565
membership consisting of the largest number of coal miners and 7566
aggregates miners, respectively, in this state compared to other 7567
employee organizations in the year prior to the year in which the 7568
appointments are made. 7569

When the commission hears an appeal that involves a coal 7570
mining safety issue, one of the commission members who owns and 7571
operates a farm or is a retired farmer shall be replaced by the 7572
additional member who is a representative of coal miners. When the 7573
commission hears an appeal that involves an aggregates mining 7574
safety issue, one of the commission members who owns and operates 7575
a farm or is a retired farmer shall be replaced by the additional 7576
member who is a representative of aggregates miners. Neither of 7577

the additional members who are appointed specifically to hear 7578
appeals that involve mine safety issues shall be considered to be 7579
members of the commission for any other purpose, and they shall 7580
not participate in any other matters that come before the 7581
commission. 7582

The commission may appoint a secretary to hold office at its 7583
pleasure. A commission member may serve as secretary. The 7584
secretary shall perform such duties as the commission prescribes, 7585
and shall receive such compensation as the commission fixes in 7586
accordance with such schedules as are provided by law for the 7587
compensation of state employees. 7588

The commission shall appoint one or more hearing officers who 7589
shall be attorneys at law admitted to practice in this state to 7590
conduct hearings under this chapter. 7591

Four members constitute a quorum, and no action of the 7592
commission shall be valid unless it has the concurrence of at 7593
least four members. The commission shall keep a record of its 7594
proceedings. 7595

Each member shall be paid as compensation for work as a 7596
member one hundred fifty dollars per day when actually engaged in 7597
the performance of work as a member and when engaged in travel 7598
necessary in connection with such work. In addition to such 7599
compensation each member shall be reimbursed for all traveling, 7600
hotel, and other expenses, in accordance with the current travel 7601
rules of the office of budget and management, necessarily incurred 7602
in the performance of the member's work as a member. 7603

Annually one member shall be elected as chairperson and 7604
another member shall be elected as vice-chairperson for terms of 7605
one year. 7606

The governor may remove any member of the commission from 7607
office for inefficiency, neglect of duty, malfeasance, 7608

misfeasance, or nonfeasance, after delivering to the member the 7609
charges against the member in writing with at least ten days' 7610
written notice of the time and place at which the governor will 7611
publicly hear the member, either in person or by counsel, in 7612
defense of the charges against the member. If the member is 7613
removed from office, the governor shall file in the office of the 7614
secretary of state a complete statement of the charges made 7615
against the member and a complete report of the proceedings. The 7616
action of the governor removing a member from office is final. 7617

The commission shall adopt rules governing procedure of 7618
appeals under section 1513.13 of the Revised Code and may, for its 7619
own internal management, adopt rules that do not affect private 7620
rights. 7621

Sec. 1519.05. (A) As used in this section, "local political 7622
subdivision" and "nonprofit organization" have the same meanings 7623
as in section 164.20 of the Revised Code. 7624

(B) There is hereby created in the state treasury the clean 7625
Ohio trail fund. Twelve and one-half per cent of the net proceeds 7626
of obligations issued and sold pursuant to sections 151.01 and 7627
151.09 of the Revised Code shall be deposited into the fund. 7628

Investment earnings of the fund shall be credited to the 7629
fund. ~~For two years after the effective date of this section,~~ 7630
~~investment earnings credited to the fund~~ and may be used to pay 7631
costs incurred by the director of natural resources in 7632
administering this section. 7633

Money in the clean Ohio trail fund shall not be used for the 7634
appropriation of land, rights, rights-of-way, franchises, 7635
easements, or other property through the exercise of the right of 7636
eminent domain. 7637

The director shall use moneys in the fund exclusively to 7638

provide matching grants to nonprofit organizations and to local 7639
political subdivisions for the purposes of purchasing land or 7640
interests in land for recreational trails and for the construction 7641
of such trails. A matching grant may provide up to seventy-five 7642
per cent of the cost of a recreational trail project, and the 7643
recipient of the matching grant shall provide not less than 7644
twenty-five per cent of that cost. 7645

(C) The director shall establish policies for the purposes of 7646
this section. The policies shall establish all of the following: 7647

(1) Procedures for providing matching grants to nonprofit 7648
organizations and local political subdivisions for the purposes of 7649
purchasing land or interests in land for recreational trails and 7650
for the construction of such trails, including, without 7651
limitation, procedures for both of the following: 7652

(a) Developing a grant application form and soliciting, 7653
accepting, and approving grant applications; 7654

(b) Participation by nonprofit organizations and local 7655
political subdivisions in the application process. 7656

(2) A requirement that an application for a matching grant 7657
for a recreational trail project include a copy of a resolution 7658
supporting the project from each county in which the proposed 7659
project is to be conducted and whichever of the following is 7660
applicable: 7661

(a) If the proposed project is to be conducted wholly within 7662
the geographical boundaries of one township, a copy of a 7663
resolution supporting the project from the township; 7664

(b) If the proposed project is to be conducted wholly within 7665
the geographical boundaries of one municipal corporation, a copy 7666
of a resolution supporting the project from the municipal 7667
corporation; 7668

(c) If the proposed project is to be conducted in more than 7669
one, but fewer than five townships or municipal corporations, a 7670
copy of a resolution supporting the project from at least one-half 7671
of the total number of townships and municipal corporations in 7672
which the proposed project is to be conducted; 7673

(d) If the proposed project is to be conducted in five or 7674
more municipal corporations, a copy of a resolution supporting the 7675
project from at least three-fifths of the total number of 7676
townships and municipal corporations in which the proposed project 7677
is to be conducted. 7678

(3) Eligibility criteria that must be satisfied by an 7679
applicant in order to receive a matching grant and that emphasize 7680
the following: 7681

(a) Synchronization with the statewide trail plan; 7682

(b) Complete regional systems and links to the statewide 7683
trail system; 7684

(c) A combination of funds from various state agencies; 7685

(d) The provision of links in urban areas that support 7686
commuter access and show economic impact on local communities; 7687

(e) The linkage of population centers with public outdoor 7688
recreation areas and facilities; 7689

(f) The purchase of rail lines that are linked to the 7690
statewide trail plan; 7691

(g) The preservation of natural corridors. 7692

(4) Items of value, such as in-kind contributions of land, 7693
easements or other interests in land, labor, or materials, that 7694
may be considered as contributing toward the percentage of the 7695
cost of a recreational trails project that must be provided by a 7696
matching grant recipient. 7697

Sec. 1521.06. (A) No dam may be constructed for the purpose 7698
of storing, conserving, or retarding water, or for any other 7699
purpose, nor shall any dike or levee be constructed for the 7700
purpose of diverting or retaining flood water, unless the person 7701
or governmental agency desiring the construction has a 7702
construction permit for the dam, dike, or levee issued by the 7703
chief of the division of water. 7704

A construction permit is not required under this section for: 7705

(1) A dam ~~which~~ that is or will be less than ten feet in 7706
height and ~~which~~ that has or will have a storage capacity of not 7707
more than fifty acre-feet at the elevation of the top of the dam, 7708
as determined by the chief. For the purposes of this section, the 7709
height of a dam shall be measured from the natural stream bed or 7710
lowest ground elevation at the downstream or outside limit of the 7711
dam to the elevation of the top of the dam. 7712

(2) A dam, regardless of height, ~~which~~ that has or will have 7713
a storage capacity of not more than fifteen acre-feet at the 7714
elevation of the top of the dam, as determined by the chief; 7715

(3) A dam, regardless of storage capacity, ~~which~~ that is or 7716
will be six feet or less in height, as determined by the chief; 7717

(4) A dam, dike, or levee ~~which~~ that belongs to a class 7718
exempted by the chief; 7719

(5) The repair, maintenance, improvement, alteration, or 7720
removal of a dam, dike, or levee ~~which~~ that is subject to section 7721
1521.062 of the Revised Code, unless the construction constitutes 7722
an enlargement of the structure as determined by the chief; 7723

(6) A dam or impoundment constructed under Chapter 1513. of 7724
the Revised Code. 7725

(B) Before a construction permit may be issued, three copies 7726
of the plans and specifications, including a detailed cost 7727

estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam, dike, or levee, including supervision and inspection of the construction by a registered professional engineer. ~~Except for a political subdivision, the~~ The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section:

(1) For the first one hundred thousand dollars of estimated cost, a fee of ~~two~~ four per cent;

(2) For the next four hundred thousand dollars of estimated cost, a fee of ~~one and one-half~~ three per cent;

(3) For the next five hundred thousand dollars of estimated cost, a fee of ~~one~~ two per cent;

(4) For all costs in excess of one million dollars, a fee of ~~one-quarter~~ one-half of one per cent.

In no case shall the filing fee be less than ~~two hundred~~ one thousand dollars or more than ~~fifty~~ one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. ~~The filing fee for a political subdivision shall be two hundred dollars.~~ All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of

administering this section and sections 1521.061 and 1521.062 of 7759
the Revised Code. 7760

(C) The chief shall, within thirty days from the date of the 7761
receipt of the application, fee, and bond or other security, issue 7762
or deny a construction permit for the construction or may issue a 7763
construction permit conditioned upon the making of such changes in 7764
the plans and specifications for the construction as ~~he~~ the chief 7765
considers advisable if ~~he~~ the chief determines that the 7766
construction of the proposed dam, dike, or levee, in accordance 7767
with the plans and specifications filed, would endanger life, 7768
health, or property. 7769

(D) The chief may deny a construction permit ~~if he finds~~ 7770
after finding that a dam, dike, or levee built in accordance with 7771
the plans and specifications would endanger life, health, or 7772
property, because of improper or inadequate design, or for such 7773
other reasons as the chief may determine. 7774

In the event the chief denies a permit for the construction 7775
of the dam, dike, or levee, or issues a permit conditioned upon a 7776
making of changes in the plans or specifications for the 7777
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 7778
and so notify, in writing, the person or governmental agency 7779
making the application for a permit. If the permit is denied, the 7780
chief shall return the bond or other security to the person or 7781
governmental agency making application for the permit. 7782

The decision of the chief conditioning or denying a 7783
construction permit is subject to appeal as provided in Chapter 7784
119. of the Revised Code. A dam, dike, or levee built 7785
substantially at variance from the plans and specifications upon 7786
which a construction permit was issued is in violation of this 7787
section. The chief may at any time inspect any dam, dike, or 7788
levee, or site upon which any dam, dike, or levee is to be 7789
constructed, in order to determine whether it complies with this 7790

section. 7791

(E) A registered professional engineer shall inspect the 7792
construction for which the permit was issued during all phases of 7793
construction and shall furnish to the chief such regular reports 7794
of ~~his~~ the engineer's inspections as the chief may require. When 7795
the chief finds that construction has been fully completed in 7796
accordance with the terms of the permit and the plans and 7797
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 7798
approve the construction. When one year has elapsed after approval 7799
of the completed construction, and the chief finds that within 7800
this period no fact has become apparent to indicate that the 7801
construction was not performed in accordance with the terms of the 7802
permit and the plans and specifications approved by the chief, or 7803
that the construction as performed would endanger life, health, or 7804
property, ~~he~~ the chief shall release the bond or other security. 7805
No bond or other security shall be released until one year after 7806
final approval by the chief, unless the dam, dike, or levee has 7807
been modified so that it will not retain water and has been 7808
approved as nonhazardous after determination by the chief that the 7809
dam, dike, or levee as modified will not endanger life, health, or 7810
property. 7811

(F) When inspections required by this section are not being 7812
performed, the chief shall notify the person or governmental 7813
agency to which the permit has been issued that inspections are 7814
not being performed by the registered professional engineer and 7815
that the chief will inspect the remainder of the construction. 7816
Thereafter, the chief shall inspect the construction and the cost 7817
of inspection shall be charged against the owner. Failure of the 7818
registered professional engineer to submit required inspection 7819
reports shall be deemed notice that ~~his~~ the engineer's inspections 7820
are not being performed. 7821

(G) The chief may order construction to cease on any dam, 7822

dike, or levee ~~which~~ that is being built in violation of ~~the~~ 7823
~~provisions of~~ this section, and may prohibit the retention of 7824
water behind any dam, dike, or levee ~~which~~ that has been built in 7825
violation of ~~the provisions of~~ this section. The attorney general, 7826
upon written request of the chief, may bring an action for an 7827
injunction against any person who violates this section or to 7828
enforce an order or prohibition of the chief made pursuant to this 7829
section. 7830

(H) The chief may adopt rules in accordance with Chapter 119. 7831
of the Revised Code, for the design and construction of dams, 7832
dikes, and levees for which a construction permit is required by 7833
this section or for which periodic inspection is required by 7834
section 1521.062 of the Revised Code, for establishing a filing 7835
fee schedule in lieu of the schedule established under division 7836
(B) of this section, for deposit and forfeiture of bonds and other 7837
securities required by section 1521.061 of the Revised Code, for 7838
the periodic inspection, operation, repair, improvement, 7839
alteration, or removal of all dams, dikes, and levees, as 7840
specified in section 1521.062 of the Revised Code, and for 7841
establishing classes of dams, dikes, or levees ~~which~~ that are 7842
exempt from the requirements of sections 1521.06 and 1521.062 of 7843
the Revised Code as being of a size, purpose, or situation ~~which~~ 7844
that does not present a substantial hazard to life, health, or 7845
property. The chief may, by rule, limit the period during which a 7846
construction permit issued under this section is valid. If a 7847
construction permit expires before construction is completed, the 7848
person or agency shall apply for a new permit, and shall not 7849
continue construction until the new permit is issued. 7850

~~(I) As used in this section and section 1521.063 of the~~ 7851
~~Revised Code, "political subdivision" includes townships,~~ 7852
~~municipal corporations, counties, school districts, municipal~~ 7853
~~universities, park districts, sanitary districts, and conservancy~~ 7854

~~districts and subdivisions thereof.~~ 7855

Sec. 1521.063. (A) Except for ~~a political subdivision~~ the 7856
federal government, the owner of any dam subject to section 7857
1521.062 of the Revised Code shall pay an annual fee, based upon 7858
the height of the dam, to the division of water on or before June 7859
30, 1988, and on or before the thirtieth day of June of each 7860
succeeding year. The annual fee shall be as follows until 7861
otherwise provided by rules adopted under this section: 7862

(1) For any dam classified as a class I dam under rules 7863
adopted by the chief of the division of water under section 7864
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 7865
per foot of height of dam; 7866

(2) For any dam classified as a class II dam under those 7867
rules, thirty dollars plus one dollar per foot of height of dam; 7868

(3) For any dam classified as a class III dam under those 7869
rules, thirty dollars. 7870

For purposes of this section, the height of a dam is the 7871
vertical height, to the nearest foot, as determined by the 7872
division under section 1521.062 of the Revised Code. All fees 7873
collected under this section shall be deposited in the dam safety 7874
fund created in section 1521.06 of the Revised Code. Any owner who 7875
fails to pay any annual fee required by this section within sixty 7876
days after the due date shall be assessed a penalty of ten per 7877
cent of the annual fee plus interest at the rate of one-half per 7878
cent per month from the due date until the date of payment. 7879

(B) The chief shall, in accordance with Chapter 119. of the 7880
Revised Code, adopt, and may amend or rescind, rules for the 7881
collection of fees and the administration, implementation, and 7882
enforcement of this section and for the establishment of an annual 7883
fee schedule in lieu of the schedule established under division 7884

(A) of this section. 7885

(C)(1) No person, political subdivision, or state 7886
governmental agency shall violate or fail to comply with this 7887
section or any rule or order adopted or issued under it. 7888

(2) The attorney general, upon written request of the chief, 7889
may commence an action against any such violator. Any action under 7890
division (C)(2) of this section is a civil action. 7891

(D) As used in this section, "political subdivision" includes 7892
townships, municipal corporations, counties, school districts, 7893
municipal universities, park districts, sanitary districts, and 7894
conservancy districts and subdivisions thereof. 7895

Sec. 1531.26. There is hereby created in the state treasury 7896
the nongame and endangered wildlife fund, which shall consist of 7897
moneys paid into it by the tax commissioner under section 5747.113 7898
of the Revised Code, moneys deposited in the fund from the 7899
issuance of wildlife conservation license plates under section 7900
4503.57 of the Revised Code, moneys deposited in the fund from the 7901
issuance of bald eagle license plates under section 4503.572 of 7902
the Revised Code, moneys credited to the fund under section 7903
1533.151 of the Revised Code, and ~~of~~ contributions made directly 7904
to it. Any person may contribute directly to the fund in addition 7905
to or independently of the income tax refund contribution system 7906
established in section 5747.113 of the Revised Code. Moneys in the 7907
fund shall be disbursed pursuant to vouchers approved by the 7908
director of natural resources for use by the division of wildlife 7909
solely for the purchase, management, preservation, propagation, 7910
protection, and stocking of wild animals that are not commonly 7911
taken for sport or commercial purposes, including the acquisition 7912
of title and easements to lands, biological investigations, law 7913
enforcement, production of educational materials, sociological 7914
surveys, habitat development, and personnel and equipment costs; 7915

and for carrying out section 1531.25 of the Revised Code. Moneys 7916
in the fund also may be used to promote and develop nonconsumptive 7917
wildlife recreational opportunities involving wild animals. Moneys 7918
in the fund from the issuance of bald eagle license plates under 7919
section 4503.572 of the Revised Code shall be expended by the 7920
division only to pay the costs of acquiring, developing, and 7921
restoring habitat for bald eagles within this state. Moneys in the 7922
fund from any other source also may be used to pay the costs of 7923
acquiring, developing, and restoring habitat for bald eagles 7924
within this state. 7925

All investment earnings of the fund shall be credited to the 7926
fund. Subject to the approval of the director, the chief of the 7927
division of wildlife may enter into agreements that the chief 7928
considers appropriate to obtain additional moneys for the 7929
protection of nongame native wildlife under the "Endangered 7930
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 7931
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 7932
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 7933
from the fund are not intended to replace other moneys 7934
appropriated for these purposes. 7935

Sec. 1533.08. Except as otherwise provided by division rule, 7936
any person desiring to collect wild animals that are protected by 7937
law or their nests or eggs for scientific study, school 7938
instruction, other educational uses, or rehabilitation shall make 7939
application to the chief of the division of wildlife for a wild 7940
animal collecting permit on a form furnished by the chief. Each 7941
applicant for a wild animal collecting permit, other than an 7942
applicant desiring to rehabilitate wild animals, shall pay an 7943
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 7944
shall be charged to an applicant desiring to rehabilitate wild 7945
animals. When it appears that the application is made in good 7946
faith, the chief shall issue to the applicant a permit to take, 7947

possess, and transport at any time and in any manner specimens of 7948
wild animals protected by law or their nests and eggs for 7949
scientific study, school instruction, other educational uses, or 7950
rehabilitation and under any additional rules recommended by the 7951
wildlife council. Upon the receipt of a permit, the holder may 7952
take, possess, and transport those wild animals in accordance with 7953
the permit. 7954

Each holder of a permit engaged in collecting such wild 7955
animals shall carry the permit at all times and shall exhibit it 7956
upon demand to any wildlife officer, constable, sheriff, deputy 7957
sheriff, or police officer, to the owner or person in lawful 7958
control of the land upon which the permit holder is collecting, or 7959
to any other person. Failure to so carry or exhibit the permit 7960
constitutes an offense under this section. 7961

Each permit holder shall keep a daily record of all specimens 7962
collected under the permit and the disposition of the specimens 7963
and shall exhibit the daily record to any official of the division 7964
upon demand. 7965

Each permit shall remain in effect for one year from the date 7966
of issuance unless it is revoked sooner by the chief. 7967

All moneys received as fees for the issuance of a wild animal 7968
collecting permit shall be transmitted to the director of natural 7969
resources to be paid into the state treasury to the credit of the 7970
fund created by section 1533.15 of the Revised Code. 7971

Sec. 1533.10. Except as provided in this section or division 7972
(A) of section 1533.12 of the Revised Code, no person shall hunt 7973
any wild bird or wild quadruped without a hunting license. Each 7974
day that any person hunts within the state without procuring such 7975
a license constitutes a separate offense. ~~Every~~ Except as 7976
otherwise provided in this section, every applicant for a hunting 7977
license who is a resident of the state and sixteen years of age or 7978

more shall procure a resident hunting license, the fee for which 7979
shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under 7980
division (B) of section 1533.12 of the Revised Code provide for 7981
issuance of a resident hunting license to the applicant free of 7982
charge. Except as provided in rules adopted under division (B)(2) 7983
of that section, each applicant who is a resident of this state 7984
and who at the time of application is sixty-six years of age or 7985
older shall procure a special senior hunting license, the fee for 7986
which shall be one-half of the regular hunting license fee. Every 7987
applicant who is a resident of the state and under the age of 7988
sixteen years shall procure a special youth hunting license, the 7989
fee for which shall be one-half of the regular hunting license 7990
fee. The owner of lands in the state and the owner's children of 7991
any age and grandchildren under eighteen years of age may hunt on 7992
the lands without a hunting license. The tenant ~~or manager~~ and 7993
children of the tenant ~~or manager~~, residing on lands in the state, 7994
may hunt on them without a hunting license. Every applicant for a 7995
hunting license who is a nonresident of the state shall procure a 7996
nonresident hunting license, the fee for which shall be ~~ninety one~~ 7997
hundred twenty-four dollars, unless the applicant is a resident of 7998
a state that is a party to an agreement under section 1533.91 of 7999
the Revised Code, in which case the fee shall be ~~fourteen~~ eighteen 8000
dollars. 8001

The chief of the division of wildlife may issue a ~~tourist's~~ 8002
small game hunting license expiring three days from the effective 8003
date of the license to a nonresident of the state, the fee for 8004
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 8005
take or possess deer, wild turkeys, fur-bearing animals, ducks, 8006
geese, brant, or any nongame animal while possessing only a 8007
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 8008
hunting license does not authorize the taking or possessing of 8009
ducks, geese, or brant without having obtained, in addition to the 8010
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 8011

provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 8012
small game hunting license does not authorize the taking or 8013
possessing of deer, wild turkeys, or fur-bearing animals. A 8014
nonresident of the state who wishes to take or possess deer, wild 8015
turkeys, or fur-bearing animals in this state shall procure, 8016
respectively, a special deer or wild turkey permit as provided in 8017
section 1533.11 of the Revised Code or a fur taker permit as 8018
provided in section 1533.111 of the Revised Code in addition to a 8019
nonresident hunting license as provided in this section. 8020

No person shall procure or attempt to procure a hunting 8021
license by fraud, deceit, misrepresentation, or any false 8022
statement. 8023

This section does not authorize the taking and possessing of 8024
deer or wild turkeys without first having obtained, in addition to 8025
the hunting license required by this section, a special deer or 8026
wild turkey permit as provided in section 1533.11 of the Revised 8027
Code or the taking and possessing of ducks, geese, or brant 8028
without first having obtained, in addition to the hunting license 8029
required by this section, a wetlands habitat stamp as provided in 8030
section 1533.112 of the Revised Code. 8031

This section does not authorize the hunting or trapping of 8032
fur-bearing animals without first having obtained, in addition to 8033
a hunting license required by this section, a fur taker permit as 8034
provided in section 1533.111 of the Revised Code. 8035

No hunting license shall be issued unless it is accompanied 8036
by a written explanation of the law in section 1533.17 of the 8037
Revised Code and the penalty for its violation, including a 8038
description of terms of imprisonment and fines that may be 8039
imposed. 8040

No hunting license shall be issued unless the applicant 8041
presents to the agent authorized to issue the license a previously 8042

held hunting license or evidence of having held such a license in 8043
content and manner approved by the chief, a certificate of 8044
completion issued upon completion of a hunter education and 8045
conservation course approved by the chief, or evidence of 8046
equivalent training in content and manner approved by the chief. 8047

No person shall issue a hunting license to any person who 8048
fails to present the evidence required by this section. No person 8049
shall purchase or obtain a hunting license without presenting to 8050
the issuing agent the evidence required by this section. Issuance 8051
of a hunting license in violation of the requirements of this 8052
section is an offense by both the purchaser of the illegally 8053
obtained hunting license and the clerk or agent who issued the 8054
hunting license. Any hunting license issued in violation of this 8055
section is void. 8056

The chief, with approval of the wildlife council, shall adopt 8057
rules prescribing a hunter education and conservation course for 8058
first-time hunting license buyers and for volunteer instructors. 8059
The course shall consist of subjects including, but not limited 8060
to, hunter safety and health, use of hunting implements, hunting 8061
tradition and ethics, the hunter and conservation, the law in 8062
section 1533.17 of the Revised Code along with the penalty for its 8063
violation, including a description of terms of imprisonment and 8064
fines that may be imposed, and other law relating to hunting. 8065
Authorized personnel of the division or volunteer instructors 8066
approved by the chief shall conduct such courses with such 8067
frequency and at such locations throughout the state as to 8068
reasonably meet the needs of license applicants. The chief shall 8069
issue a certificate of completion to each person who successfully 8070
completes the course and passes an examination prescribed by the 8071
chief. 8072

Sec. 1533.101. Any person who has been issued a hunting or 8073

fishing license, a wetlands habitat stamp, a deer or wild turkey 8074
permit, or a fur taker permit for the current license, stamp, or 8075
permit year or for the license, stamp, or permit year next 8076
preceding the current such year pursuant to this chapter, and if 8077
the license, stamp, or permit has been lost, destroyed, or stolen, 8078
may be issued a reissued hunting or fishing license, wetlands 8079
habitat stamp, deer or wild turkey permit, or fur taker permit. 8080
The person shall file with the clerk of the court of common pleas 8081
an application in affidavit form or, if the chief of the division 8082
of wildlife authorizes it, apply for a reissued license, stamp, or 8083
permit to an authorized agent designated by the chief, and pay a 8084
fee for each license, stamp, or permit of ~~two~~ four dollars plus 8085
one dollar to the clerk or agent, who shall issue a reissued 8086
license, stamp, or permit that shall allow the applicant to hunt, 8087
fish, or trap, as the case may be. The clerk or agent shall 8088
administer the oath to the applicant and shall send a copy of the 8089
reissued license, stamp, or permit to the division of wildlife. 8090

All moneys received as fees for the issuance of reissued 8091
licenses, stamps, or permits shall be transmitted to the director 8092
of natural resources to be paid into the state treasury to the 8093
credit of the funds to which the fees for the original licenses, 8094
stamps, and permits were credited. 8095

No person shall knowingly or willfully secure, attempt to 8096
secure, or use a reissued hunting or fishing license, wetlands 8097
habitat stamp, deer or wild turkey permit, or fur taker permit to 8098
which the person is not entitled. No person shall knowingly or 8099
willfully issue a reissued hunting or fishing license, wetlands 8100
habitat stamp, deer or wild turkey permit, or fur taker permit 8101
under this section to any person who is not entitled to receive 8102
and use such a reissued license, stamp, or permit. 8103

Sec. 1533.11. (A) Except as provided in this section, no 8104

person shall hunt deer on lands of another without first obtaining 8105
an annual special deer permit. Except as provided in this section, 8106
no person shall hunt wild turkeys on lands of another without 8107
first obtaining an annual special wild turkey permit. Each 8108
applicant for a special deer or wild turkey permit shall pay an 8109
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 8110
together with the one-dollar ~~as a~~ fee to the clerk or other 8111
issuing agent established in section 1533.13 of the Revised Code, 8112
for the permit unless the rules adopted under division (B) of 8113
section 1533.12 of the Revised Code provide for issuance of a deer 8114
or wild turkey permit to the applicant free of charge. Except as 8115
provided in division (A) of section 1533.12 of the Revised Code, a 8116
deer or wild turkey permit shall run concurrently with the hunting 8117
license. The money received, other than the ~~one-dollar~~ issuing 8118
agent's fee ~~provided for above~~, shall be paid into the state 8119
treasury to the credit of the wildlife fund, created in section 8120
1531.17 of the Revised Code, exclusively for the use of the 8121
division of wildlife in the acquisition and development of land 8122
for deer or wild turkey management, for investigating deer or wild 8123
turkey problems, and for the stocking, management, and protection 8124
of deer or wild turkey. Every person, while hunting deer or wild 8125
turkey on lands of another, shall carry the person's special deer 8126
or wild turkey permit and exhibit it to any enforcement officer so 8127
requesting. Failure to so carry and exhibit such a permit 8128
constitutes an offense under this section. The chief of the 8129
division of wildlife shall adopt any additional rules the chief 8130
considers necessary to carry out this section and section 1533.10 8131
of the Revised Code. 8132

The owner and the children of the owner of lands in this 8133
state may hunt deer or wild turkey thereon without a special deer 8134
or wild turkey permit. The tenant ~~or manager~~ and children of the 8135
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 8136
reside without a special deer or wild turkey permit. 8137

(B) A special deer or wild turkey permit is not transferable. 8138
No person shall carry a special deer or wild turkey permit issued 8139
in the name of another person. 8140

(C) The wildlife refunds fund is hereby created in the state 8141
treasury. The fund shall consist of money received from 8142
application fees for special deer permits that are not issued. 8143
Money in the fund shall be used to make refunds of such 8144
application fees. 8145

Sec. 1533.111. Except as provided in this section or division 8146
(A) of section 1533.12 of the Revised Code, no person shall hunt 8147
or trap fur-bearing animals on land of another without first 8148
obtaining an annual fur taker permit. Each applicant for a fur 8149
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 8150
together with one dollar as a fee to the clerk or other issuing 8151
agent, for the permit, except as otherwise provided in this 8152
section or unless the rules adopted under division (B) of section 8153
1533.12 of the Revised Code provide for issuance of a fur taker 8154
permit to the applicant free of charge. Except as provided in 8155
rules adopted under division (B)(2) of that section, each 8156
applicant who is a resident of this state and who at the time of 8157
application is sixty-six years of age or older shall procure a 8158
special senior fur taker permit, the fee for which shall be 8159
one-half of the regular fur taker permit fee and which shall be 8160
paid together with the one-dollar fee to the clerk or other 8161
issuing agent established in section 1533.13 of the Revised Code. 8162
Each applicant who is a resident of the state and under the age of 8163
sixteen years shall procure a special youth fur taker permit, the 8164
fee for which shall be one-half of the regular fur taker permit 8165
fee and which shall be paid together with the one-dollar ~~as a~~ fee 8166
to the clerk or other issuing agent established in section 1533.13 8167
of the Revised Code. The fur taker permit shall run concurrently 8168

with the hunting license. The money received, other than the ~~one-~~ 8169
~~dollar~~ issuing agent's fee ~~provided for in this section~~, shall be 8170
paid into the state treasury to the credit of the fund established 8171
in section 1533.15 of the Revised Code. 8172

No fur taker permit shall be issued unless it is accompanied 8173
by a written explanation of the law in section 1533.17 of the 8174
Revised Code and the penalty for its violation, including a 8175
description of terms of imprisonment and fines that may be 8176
imposed. 8177

No fur taker permit shall be issued unless the applicant 8178
presents to the agent authorized to issue a fur taker permit a 8179
previously held hunting license or trapping or fur taker permit or 8180
evidence of having held such a license or permit in content and 8181
manner approved by the chief of the division of wildlife, a 8182
certificate of completion issued upon completion of a trapper 8183
education course approved by the chief, or evidence of equivalent 8184
training in content and manner approved by the chief. 8185

No person shall issue a fur taker permit to any person who 8186
fails to present the evidence required by this section. No person 8187
shall purchase or obtain a fur taker permit without presenting to 8188
the issuing agent the evidence required by this section. Issuance 8189
of a fur taker permit in violation of the requirements of this 8190
section is an offense by both the purchaser of the illegally 8191
obtained permit and the clerk or agent who issued the permit. Any 8192
fur taker permit issued in violation of this section is void. 8193

The chief, with approval of the wildlife council, shall adopt 8194
rules prescribing a trapper education course for first-time fur 8195
taker permit buyers and for volunteer instructors. The course 8196
shall consist of subjects that include, but are not limited to, 8197
trapping techniques, animal habits and identification, trapping 8198
tradition and ethics, the trapper and conservation, the law in 8199
section 1533.17 of the Revised Code along with the penalty for its 8200

violation, including a description of terms of imprisonment and 8201
fines that may be imposed, and other law relating to trapping. 8202
Authorized personnel of the division of wildlife or volunteer 8203
instructors approved by the chief shall conduct the courses with 8204
such frequency and at such locations throughout the state as to 8205
reasonably meet the needs of permit applicants. The chief shall 8206
issue a certificate of completion to each person who successfully 8207
completes the course and passes an examination prescribed by the 8208
chief. 8209

Every person, while hunting or trapping fur-bearing animals 8210
on lands of another, shall carry the person's fur taker permit 8211
affixed to the person's hunting license with the person's 8212
signature written across the face of the permit. Failure to carry 8213
such a signed permit constitutes an offense under this section. 8214
The chief shall adopt any additional rules the chief considers 8215
necessary to carry out this section. 8216

The owner and the children of the owner of lands in this 8217
state may hunt or trap fur-bearing animals thereon without a fur 8218
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 8219
~~manager~~ may hunt or trap fur-bearing animals on lands where they 8220
reside without a fur taker permit. 8221

A fur taker permit is not transferable. No person shall carry 8222
a fur taker permit issued in the name of another person. 8223

A fur taker permit entitles a nonresident to take from this 8224
state fur-bearing animals taken and possessed by the nonresident 8225
as provided by law or division rule. 8226

Sec. 1533.112. Except as provided in this section or unless 8227
otherwise provided by division rule, no person shall hunt ducks, 8228
geese, or brant on the lands of another without first obtaining an 8229
annual wetlands habitat stamp. The annual fee for the wetlands 8230
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 8231

together with the one-dollar ~~as a~~ fee to the clerk or other 8232
issuing agent established in section 1533.13 of the Revised Code, 8233
unless the rules adopted under division (B) of section 1533.12 8234
provide for issuance of a wetlands habitat stamp to the applicant 8235
free of charge. 8236

Moneys received from the stamp fee, other than the ~~one-~~ 8237
~~dollar clerk's~~ issuing agent's fee, shall be paid into the state 8238
treasury to the credit of the wetlands habitat fund, which is 8239
hereby established. Moneys shall be paid from the fund on the 8240
order of the director of natural resources for the following 8241
purposes: 8242

(A) Sixty per cent for projects that the division approves 8243
for the acquisition, development, management, or preservation of 8244
waterfowl areas within the state; 8245

(B) Forty per cent for contribution by the division to an 8246
appropriate nonprofit organization for the acquisition, 8247
development, management, or preservation of lands and waters 8248
within the United States or Canada that provide or will provide 8249
habitat for waterfowl with migration routes that cross this state. 8250

No moneys derived from the issuance of wetlands habitat 8251
stamps shall be spent for purposes other than those specified by 8252
this section. All investment earnings of the fund shall be 8253
credited to the fund. 8254

Wetlands habitat stamps shall be furnished by and in a form 8255
prescribed by the chief of the division of wildlife and issued by 8256
clerks and other agents authorized to issue licenses and permits 8257
under section 1533.13 of the Revised Code. The record of stamps 8258
kept by the clerks and other agents shall be uniform throughout 8259
the state, in such form or manner as the director prescribes, and 8260
open at all reasonable hours to the inspection of any person. 8261
Unless otherwise provided by rule, each stamp shall remain in 8262

force until midnight of the thirty-first day of August next 8263
ensuing. Wetlands habitat stamps may be issued in any manner to 8264
any person on any date, whether or not that date is within the 8265
period in which they are effective. 8266

Every person to whom this section applies, while hunting 8267
ducks, geese, or brant, shall carry an unexpired wetlands habitat 8268
stamp that is validated by the person's signature written on the 8269
stamp in ink and shall exhibit the stamp to any enforcement 8270
officer so requesting. No person shall fail to carry and exhibit 8271
the person's stamp. 8272

A wetlands habitat stamp is not transferable. 8273

The chief shall establish a procedure to obtain subject 8274
matter to be printed on the wetlands habitat stamp and shall use, 8275
dispose of, or distribute the subject matter as the chief 8276
considers necessary. The chief also shall adopt rules necessary to 8277
administer this section. 8278

This section does not apply to persons under sixteen years of 8279
age nor to persons exempted from procuring a hunting license under 8280
section 1533.10 or division (A) of section 1533.12 of the Revised 8281
Code. 8282

Sec. 1533.12. (A) Every person on active duty in the armed 8283
forces of the United States, while on leave or furlough, may take 8284
or catch fish of the kind lawfully permitted to be taken or caught 8285
within the state, may hunt any wild bird or wild quadruped 8286
lawfully permitted to be hunted within the state, and may trap 8287
fur-bearing animals lawfully permitted to be trapped within the 8288
state, without procuring a fishing license, a hunting license, a 8289
fur taker permit, or a wetlands habitat stamp required by this 8290
chapter, provided that the person shall carry on ~~self~~ the person 8291
when fishing, hunting, or trapping, a card or other evidence 8292
identifying the person as being on active duty in the armed forces 8293

of the United States, and provided that the person is not 8294
otherwise violating any of the hunting, fishing, and trapping laws 8295
of this state. 8296

In order to hunt deer or wild turkey, any such person shall 8297
obtain a special deer or wild turkey permit, as applicable, under 8298
section 1533.11 of the Revised Code. However, the person need not 8299
obtain a hunting license in order to obtain such a permit. 8300

(B) The chief of the division of wildlife shall provide by 8301
rule adopted under section 1531.10 of the Revised Code all of the 8302
following: 8303

(1) Every resident of this state with a disability that has 8304
been determined by the veterans administration to be permanently 8305
and totally disabling, who receives a pension or compensation from 8306
the veterans administration, and who received an honorable 8307
discharge from the armed forces of the United States, and every 8308
veteran to whom the registrar of motor vehicles has issued a set 8309
of license plates under section 4503.41 of the Revised Code, shall 8310
be issued an annual fishing license, hunting license, fur taker 8311
permit, deer or wild turkey permit, or wetlands habitat stamp, or 8312
any combination of those licenses, permits, and stamp, free of 8313
charge when application is made to the chief in the manner 8314
prescribed by and on forms provided by the chief. 8315

(2) Every resident of the state who ~~is sixty six years of age~~ 8316
~~or older~~ was born on or before December 31, 1937, shall be issued 8317
an annual fishing license, hunting license, fur taker permit, deer 8318
or wild turkey permit, or wetlands habitat stamp, or any 8319
combination of those licenses, permits, and stamp, free of charge 8320
when application is made to the chief in the manner prescribed by 8321
and on forms provided by the chief. 8322

(3) Every resident of state or county institutions, 8323
charitable institutions, and military homes in this state shall be 8324

issued an annual fishing license free of charge when application 8325
is made to the chief in the manner prescribed by and on forms 8326
provided by the chief. 8327

(4) Any mobility impaired or blind person, as defined in 8328
section 955.011 of the Revised Code, who is a resident of this 8329
state and who is unable to engage in fishing without the 8330
assistance of another person shall be issued an annual fishing 8331
license free of charge when application is made to the chief in 8332
the manner prescribed by and on forms provided by the chief. The 8333
person who is assisting the mobility impaired or blind person may 8334
assist in taking or catching fish of the kind permitted to be 8335
taken or caught without procuring the license required under 8336
section 1533.32 of the Revised Code, provided that only one line 8337
is used by both persons. 8338

(5) As used in division (B)(5) of this section, "prisoner of 8339
war" means any regularly appointed, enrolled, enlisted, or 8340
inducted member of the military forces of the United States who 8341
was captured, separated, and incarcerated by an enemy of the 8342
United States. 8343

Any person who has been a prisoner of war, was honorably 8344
discharged from the military forces, and is a resident of this 8345
state shall be issued an annual fishing license, hunting license, 8346
fur taker permit, or wetlands habitat stamp, or any combination of 8347
those licenses, permits, and stamp, free of charge when 8348
application is made to the chief in the manner prescribed by and 8349
on forms provided by the chief. 8350

(C) The chief shall adopt rules pursuant to section 1531.08 8351
of the Revised Code designating not more than two days, which need 8352
not be consecutive, in each year as "free sport fishing days" on 8353
which any resident may exercise the privileges accorded the holder 8354
of a fishing license issued under section 1533.32 of the Revised 8355
Code without procuring such a license, provided that the person is 8356

not otherwise violating any of the fishing laws of this state. 8357

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 8358
stamps, deer and wild turkey permits, and fur taker permits shall 8359
be issued by the clerk of the court of common pleas, village and 8360
township clerks, and other authorized agents designated by the 8361
chief of the division of wildlife. When required by the chief, a 8362
clerk or agent shall give bond in the manner provided by the 8363
chief. All bonds, reports, except records prescribed by the 8364
auditor of state, and moneys received by those persons shall be 8365
handled under rules adopted by the director of natural resources. 8366

The premium of any bond prescribed by the chief under this 8367
section may be paid by the chief. Any person who is designated and 8368
authorized by the chief to issue licenses, stamps, and permits as 8369
provided in this section, except the clerk of the court of common 8370
pleas and the village and township clerks, shall pay to the chief 8371
a premium in an amount that represents the person's portion of the 8372
premium paid by the chief under this section, which amount shall 8373
be established by the chief and approved by the wildlife council 8374
created under section 1531.03 of the Revised Code. The chief shall 8375
pay all moneys that the chief receives as premiums under this 8376
section into the state treasury to the credit of the wildlife fund 8377
created under section 1531.17 of the Revised Code. 8378

Every authorized agent, for the purpose of issuing hunting 8379
and fishing licenses, deer and wild turkey permits, and fur taker 8380
permits, may administer oaths to and take affidavits from 8381
applicants for the licenses or permits when required. An 8382
authorized agent may appoint deputies to perform any acts that the 8383
agent is authorized to perform, consistent with division rules. 8384

Every applicant for a hunting or fishing license, deer or 8385
wild turkey permit, or fur taker permit, unless otherwise provided 8386
by division rule, shall make and subscribe an affidavit setting 8387

forth the applicant's name, age, weight, height, occupation, place 8388
of residence, personal description, and citizenship. The clerk or 8389
other agent authorized to issue licenses, stamps, and permits 8390
shall charge each applicant a fee of one dollar for taking the 8391
affidavit and issuing the license, stamp, or permit unless a 8392
different fee for the issuance of a fishing license is established 8393
in division rule as authorized by section 1533.32 of the Revised 8394
Code. The application, license, permit, and other blanks required 8395
by this section shall be prepared and furnished by the chief, in 8396
such form as the chief provides, to the clerk or other agent 8397
authorized to issue them. The licenses and permits shall be issued 8398
to applicants by the clerk or other agent. The record of licenses 8399
and permits kept by the clerk and other authorized agents shall be 8400
uniform throughout the state and in such form or manner as the 8401
auditor of state prescribes and shall be open at all reasonable 8402
hours to the inspection of any person. Unless otherwise provided 8403
by division rule, each hunting license, deer or wild turkey 8404
permit, and fur taker permit issued shall remain in force until 8405
midnight of the thirty-first day of August next ensuing. 8406
Application for any such license or permit may be made and a 8407
license or permit issued prior to the date upon which it becomes 8408
effective. 8409

The chief may require an applicant who wishes to purchase a 8410
license, stamp, or permit by mail or telephone to pay a nominal 8411
fee for postage and handling. 8412

The court before whom a violator of any laws or division 8413
rules for the protection of wild animals is tried, as a part of 8414
the punishment, shall revoke the license, stamp, or permit of any 8415
person convicted. The license, stamp, or permit fee paid by that 8416
person shall not be returned to the person. The person shall not 8417
procure or use any other license, stamp, or permit or engage in 8418
hunting wild animals or trapping fur-bearing animals during the 8419

period of revocation as ordered by the court. 8420

No person under sixteen years of age shall engage in hunting 8421
unless accompanied by the person's parent or another adult person. 8422

Sec. 1533.151. The chief of the division of wildlife, with 8423
the approval of the director of natural resources, ~~is hereby~~ 8424
~~authorized to~~ may print and issue stamps portraying wild animals 8425
of the state. This stamp shall be identified as a wildlife 8426
conservation stamp ~~and the~~. The fee for each stamp shall be five 8427
dollars not more than the fee for a wetlands habitat stamp issued 8428
under section 1533.112 of the Revised Code together with the 8429
one-dollar fee to the issuing agent established in section 1533.13 8430
of the Revised Code unless otherwise provided by division rule. 8431

The purchase of wildlife conservation stamps shall provide no 8432
privileges to the purchaser, but merely recognizes ~~such~~ the person 8433
as voluntarily contributing to the management, protection, and the 8434
perpetuation of the wildlife resources of the state. All moneys 8435
received from the sale of wildlife conservation stamps shall be 8436
paid into the state treasury to the credit of the nongame and 8437
endangered wildlife fund to be used exclusively by the division of 8438
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 8439
the Revised Code ~~and for the management of all forms of wildlife~~ 8440
~~for its ecological and non-consumptive recreational value.~~ 8441

Sec. 1533.19. Except as otherwise provided by division rule, 8442
recognized field trial clubs may shoot domestically raised quails, 8443
chukar partridges, ducks, pheasants, or other game birds and 8444
common pigeons at any time during the daylight hours from the 8445
first day of September to the thirtieth day of April of the 8446
following year, both dates inclusive. Such domestically raised 8447
quails, chukar partridges, ducks, pheasants, and other game birds 8448
shall be banded prior to release and approved by the division of 8449

wildlife for field trial use, provided that permission for the 8450
holding of such a trial shall be obtained from the division. 8451
Permission shall be requested in writing at least thirty days in 8452
advance of the trial. The request shall contain the name of the 8453
recognized field trial club and the names of its officers, the 8454
date and location of the trial, and the name of the licensed 8455
breeders from whom the quails, chukar partridges, ducks, 8456
pheasants, or other game birds will be obtained. The division may 8457
grant a written permit when it is satisfied that the trial is a 8458
bona fide one conducted by a bona fide club under this section. 8459
When an application is approved, a permit shall be issued after 8460
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 8461
upon which the trials are conducted. Participants in such trials 8462
need not possess a hunter's license while participating in the 8463
trials. The division shall supervise all such trials and shall 8464
enforce all laws and division rules governing them. If unbanded 8465
quails, chukar partridges, ducks, pheasants, or other game birds 8466
are accidentally shot during such trials, they immediately shall 8467
be replaced by the club by the releasing of an equal number of 8468
live quails, chukar partridges, ducks, pheasants, or other game 8469
birds under the supervision of the division. 8470

Sec. 1533.23. No person shall deal in or buy green or dried 8471
furs, skins, or parts thereof, taken from fur-bearing animals of 8472
the state, except domesticated rabbits, without a fur dealer's 8473
permit. Every applicant for a fur dealer's permit shall make and 8474
subscribe a statement setting forth ~~his~~ the applicant's name, 8475
place of residence, and whom ~~he~~ the applicant represents. Every 8476
applicant for a dealer's permit who is a nonresident of the state, 8477
or who is a resident of the state and is an agent or 8478
representative of a nonresident person, firm, or corporation, 8479
shall pay an annual fee of two hundred dollars to the chief of the 8480
division of wildlife issuing such permit, and every applicant for 8481

a dealer's permit who is a resident of the state shall pay an 8482
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 8483
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 8484
dealer shall operate under such additional ~~regulations~~ rules as 8485
are provided by the chief ~~of the division of wildlife~~. The chief 8486
shall pay ~~such~~ the fees into the state treasury to the credit of 8487
the fund created by section 1533.15 of the Revised Code for the 8488
use of the division of wildlife in the purchase, preservation, 8489
protection, and stocking of fur-bearing animals and for the 8490
necessary clerical help and forms required by this section and 8491
section 1533.24 of the Revised Code. 8492

All permits shall be procured from the chief and the 8493
application, license, and other blanks required by this section 8494
and section 1533.24 of the Revised Code shall be in such form as 8495
the chief prescribes. Each such permit shall expire on the 8496
thirtieth day of April next after its issuance. 8497

Sec. 1533.301. Any person may apply for a permit to transport 8498
fish that are for sale, sold, or purchased. The chief of the 8499
division of wildlife shall issue an annual permit granting the 8500
applicant the privilege to transport such fish, upon filing of an 8501
application on a form prescribed by the chief and payment of a fee 8502
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 8503
part thereof that is for sale, sold, or purchased, whether 8504
acquired in or outside this state, unless the consignor has a 8505
permit ~~issued to him~~ for the calendar year in which the fish is 8506
transported, except that no such permit is required for any of the 8507
following: 8508

(A) Fish transported from a point outside this state to 8509
another point outside this state if the fish are not unloaded in 8510
this state. A fish is not to be considered unloaded for purposes 8511
of this section if it remains under the control of a common 8512

carrier. 8513

(B) Fish being transported by a person holding a valid 8514
license under section 1533.34 of the Revised Code from the place 8515
of taking to ~~his~~ the person's usual place of processing or 8516
temporary storage as designated by ~~him~~ the person in the 8517
application for the license under that section; 8518

(C) Fish being transported from a premises designated in a 8519
valid permit issued under section 1533.631 of the Revised Code to 8520
a premises where fish are to be sold at retail, sold for immediate 8521
consumption, or consumed if inspection of the designated premises 8522
as required by that section has not been denied during the 8523
preceding thirty days; 8524

(D) Any quantity of fish the total weight of which does not 8525
exceed five hundred pounds in one vehicle; 8526

(E) Minnows for which a permit is required under section 8527
1533.40 of the Revised Code. 8528

If a fish for which a permit is required under this section 8529
is transported in this state from a consignor who does not have a 8530
valid permit at the time of transportation, or if such a fish is 8531
transported in this state from a consignor who has a valid permit 8532
at the time of transportation, but the fish is part of the 8533
contents of a box, package, or receptacle that was or could be the 8534
basis for conviction of a violation of this chapter or a division 8535
rule, the fish may be seized by any law enforcement officer 8536
authorized by section 1531.13 of the Revised Code to enforce laws 8537
and division rules, and the fish shall escheat to the state unless 8538
a court of this state makes a specific finding that the consignor 8539
at the time of seizure had a valid permit under this section 8540
~~1533.301 of the Revised Code~~ and that the fish are lawful under 8541
the requirements of this chapter or a division rule relating 8542
thereto. 8543

A fish for which a permit is required under this section may 8544
be transported only if each box, package, or other receptacle 8545
bears a label showing the total weight in pounds, the species of 8546
the fish, the name of the consignor and consignee, the initial 8547
point of billing, the destination, and a statement that each 8548
species of fish by weight in the box, package, or other receptacle 8549
that are undersized under ~~the provisions of~~ section 1533.63 of the 8550
Revised Code or division rule is ten per cent or less or is in 8551
excess of ten per cent, whichever the fact may be. If fish are not 8552
boxed or packaged, each compartment of a tank or other receptacle 8553
shall be considered a separate receptacle, but in lieu of a label 8554
on the compartment or tank a written statement containing the same 8555
information required to be contained on a label, and clearly 8556
identifying the tank or receptacle concerned, may be carried in 8557
the vehicle. Species may be designated in any manner, but the 8558
label also shall bear either the common name indicated in section 8559
1533.63 of the Revised Code or the scientific name contained in 8560
section 1531.01 of the Revised Code. The consignor shall ascertain 8561
that labels are attached or statements carried as required herein 8562
and that the facts stated thereon are true. 8563

The permit required by this section may be suspended by the 8564
chief for a period not to exceed five days upon conviction of the 8565
permittee of a violation of this chapter or Chapter 1531. of the 8566
Revised Code or a division rule if the permittee has been 8567
convicted of another such violation during the preceding 8568
twelve-month period. If the permittee has had two or more such 8569
convictions during the twelve-month period preceding such a 8570
conviction, ~~his~~ the permittee's permit may be suspended as 8571
provided herein for a period not to exceed twenty days. A permit 8572
is invalid during the period of suspension, but in no case is a 8573
permit invalid until fifteen days after mailing by certified mail 8574
a notice of the rule of suspension by the chief. 8575

The chief may not suspend more than one permit of the same 8576
permittee, or suspend a permit of the same permittee more than 8577
once, for convictions resulting from violations that occur in a 8578
load in one vehicle. 8579

A driver or other person in charge of a vehicle transporting 8580
fish that are for sale, sold, or purchased, upon demand by any law 8581
enforcement officer authorized by section 1531.13 of the Revised 8582
Code to enforce laws and division rules, shall stop and open the 8583
vehicle and allow inspection of the load, and any box, package, or 8584
receptacle, and the contents thereof, for the purpose of 8585
determining whether this chapter or a division rule is being 8586
violated. 8587

The word "fish" in the English language, at least eight 8588
inches high and maintained in a clear, conspicuous, and legible 8589
condition at all times, shall appear on both sides of the vehicle 8590
body of all vehicles transporting fresh water fish in this state 8591
when the fish are for sale or sold, except those fish exempt from 8592
a transportation permit in divisions (A), (B), and (E) of this 8593
section. 8594

The chief may refuse to issue a permit to any person whose 8595
purpose in applying for the permit is to allow it to be used by 8596
another person to whom a permit has been refused or revoked. The 8597
chief also may revoke a person's permit when it is used for that 8598
purpose. 8599

No civil action may be brought in any court in the state for 8600
the value or agreed price of fish that have escheated to the state 8601
under this section. 8602

No person shall fail to comply with any provision of this 8603
section or a division rule adopted pursuant thereto. 8604

In addition to other penalties provided in the Revised Code, 8605
the permit of any person who is convicted of two violations of 8606

this section that occurred within a twelve-month period is 8607
suspended upon the second such conviction by operation of law for 8608
a period of five fishing season days immediately following that 8609
conviction. 8610

In addition to other penalties provided in the Revised Code, 8611
the permit of any person who is convicted of three or more 8612
violations of this section that occurred within a twelve-month 8613
period is suspended upon the third or subsequent conviction by 8614
operation of law for a period of twenty fishing season days 8615
immediately following that conviction. 8616

During any period of suspension, no person shall use or 8617
engage in hauling or transporting fish with equipment owned, used, 8618
or controlled at the time of conviction by the permittee whose 8619
permit has been suspended. 8620

Sec. 1533.32. Except as provided in this section or division 8621
(A) or (C) of section 1533.12 of the Revised Code, no person, 8622
including nonresidents, shall take or catch any fish by angling in 8623
any of the waters in the state or engage in fishing in those 8624
waters without a license. No person shall take or catch frogs or 8625
turtles without a valid fishing license, except as provided in 8626
this section. Persons fishing in privately owned ponds, lakes, or 8627
reservoirs to or from which fish are not accustomed to migrate are 8628
exempt from the license requirements set forth in this section. 8629
Persons fishing in privately owned ponds, lakes, or reservoirs 8630
that are open to public fishing through an agreement or lease with 8631
the division of wildlife shall comply with the license 8632
requirements set forth in this section. 8633

The fee for an annual license shall be ~~twenty-three~~ 8634
thirty-nine dollars, unless otherwise provided by division rule, 8635
for a resident of a state that is not a party to an agreement 8636
under section 1533.91 of the Revised Code. The fee for an annual 8637

license shall be ~~fourteen~~ eighteen dollars, unless otherwise 8638
provided by division rule, for a resident of a state that is a 8639
party to such an agreement. The fee for an annual license for 8640
residents of this state shall be ~~fourteen~~ eighteen dollars unless 8641
otherwise provided by division rule or unless the rules adopted 8642
under division (B) of section 1533.12 of the Revised Code provide 8643
for issuance of a resident fishing license to the applicant free 8644
of charge. 8645

Any person under the age of sixteen years may take or catch 8646
frogs and turtles and take or catch fish by angling without a 8647
license. ~~Any~~ Except as provided in rules adopted under division 8648
(B)(2) of section 1533.12 of the Revised Code, each applicant who 8649
is a resident of this state and who at the time of application is 8650
sixty-six years of age or older ~~may take or catch frogs and~~ 8651
~~turtles without~~ shall procure a special senior fishing license, 8652
the fee for which shall be one-half of the annual resident fishing 8653
license fee. 8654

The chief of the division of wildlife may issue a tourist's 8655
license expiring three days from the effective date of the license 8656
to a resident of a state that is not a party to an agreement under 8657
section 1533.91 of the Revised Code. The fee for a tourist's 8658
license shall be ~~fourteen~~ eighteen dollars unless otherwise 8659
provided by division rule. 8660

The chief shall adopt rules under section 1531.10 of the 8661
Revised Code providing for the issuance of a one-day fishing 8662
license to a resident of this state or of any other state. The fee 8663
for such a license shall be ~~forty~~ fifty-five per cent of the 8664
amount established under this section for a tourist's license, 8665
rounded up to the nearest whole dollar. A one-day fishing license 8666
shall allow the holder to take or catch fish by angling in the 8667
waters in the state, engage in fishing in those waters, or take or 8668
catch frogs or turtles in those waters for one day without 8669

obtaining an annual license or a tourist's license under this 8670
section. At the request of a holder of a one-day fishing license 8671
who wishes to obtain an annual license, a clerk or agent 8672
authorized to issue licenses under section 1533.13 of the Revised 8673
Code, not later than the last day on which the one-day license 8674
would be valid if it were an annual license, shall credit the 8675
amount of the fee paid for the one-day license toward the fee 8676
charged for the annual license if so authorized by the chief. The 8677
clerk or agent shall issue the annual license upon presentation of 8678
the one-day license and payment of a fee in an amount equal to the 8679
difference between the fee for the annual license and the fee for 8680
the one-day license. 8681

A fee of one dollar for each license issued under this 8682
section shall be paid to the issuing clerk or agent in accordance 8683
with section 1533.13 of the Revised Code unless otherwise provided 8684
by division rule. 8685

Unless otherwise provided by division rule, each annual 8686
license shall begin on the first day of March of the current year 8687
and expire on the last day of February of the following year. 8688

No person shall alter a fishing license or possess a fishing 8689
license that has been altered. 8690

No person shall procure or attempt to procure a fishing 8691
license by fraud, deceit, misrepresentation, or any false 8692
statement. 8693

Owners of land over, through, upon, or along which any water 8694
flows or stands, except where the land is in or borders on state 8695
parks or state-owned lakes, together with the members of the 8696
immediate families of such owners, may take frogs and turtles and 8697
may take or catch fish of the kind permitted to be taken or caught 8698
therefrom without procuring a license provided for in this 8699
section. This exemption extends to tenants actually residing upon 8700

such lands and to the members of the immediate families of the 8701
tenants. Residents of state or county institutions, charitable 8702
institutions, and military homes in this state may take frogs and 8703
turtles without procuring the required license, provided that a 8704
member of the institution or home has an identification card, 8705
which shall be carried on that person when fishing. 8706

Every fisher required to be licensed, while fishing or taking 8707
or attempting to take frogs or turtles, shall carry the license 8708
and exhibit it to any person. Failure to so carry and exhibit the 8709
license constitutes an offense under this section. 8710

Sec. 1533.35. (A) Commercial fishing devices shall be 8711
annually licensed as follows: 8712

(1) Trap and fyke nets, for the first twenty nets or any 8713
portion thereof, eight hundred dollars; and for each additional 8714
group of ten such nets or any portion thereof, four hundred 8715
dollars; 8716

(2) For each seine of one hundred fifty rods or less in 8717
length other than an inland fishing district seine, four hundred 8718
dollars; 8719

(3) For each seine over one hundred fifty rods in length 8720
other than an inland fishing district seine, six hundred dollars; 8721

(4) For each inland fishing district seine, one hundred 8722
dollars; 8723

(5) For each carp apron, one hundred dollars; 8724

(6) For one trotline with seventy hooks or less attached 8725
thereto, twenty dollars; 8726

(7) For each trotline, or trotlines, with a total of more 8727
than seventy hooks attached thereto, one hundred dollars; 8728

(8) For each dip net, one hundred dollars. 8729

The license fee for other commercial fishing gear not 8730
mentioned in this section, as approved by the chief of the 8731
division of wildlife, shall be set by the chief with approval of 8732
the wildlife council. 8733

Commercial fishing gear owned or used by a nonresident may be 8734
licensed in this state only if a reciprocal agreement is in effect 8735
as provided for in section 1533.352 of the Revised Code. 8736

All commercial license fees shall be paid upon application or 8737
shall be paid one-fourth upon application with the balance due and 8738
owing within ninety days of the date of application, except that 8739
those license fees of one hundred dollars or less shall be paid in 8740
full at the time of application. 8741

(B) Royalty fees are hereby established ~~as set forth~~ on the 8742
following species of fish when taken commercially: catfish, white 8743
bass, and yellow perch. 8744

The amount of the royalty fees shall be as follows: on the 8745
species taken for which an allowable catch or quota has been 8746
established by division rule, ~~two~~ five cents per pound. On the 8747
species taken for which an allowable catch or quota has not been 8748
established by division rule, ~~one-cent~~ two cents per pound ~~on that~~ 8749
~~portion taken that exceeds one half of the previous year's taking~~ 8750
~~of the species.~~ 8751

~~For the purpose of this section, the previous year's taking~~ 8752
~~shall be the amount reported for that previous year by the license~~ 8753
~~holder to the division pursuant to reporting procedures set forth~~ 8754
~~in this chapter and Chapter 1531. of the Revised Code.~~ 8755

All royalty fees established or provided for in this section 8756
shall be paid by the license holder to the division. No person may 8757
be issued a commercial fishing license until all royalty fees due 8758
from that person for the preceding fishing season have been paid 8759
in full. The chief may request the attorney general to recover any 8760

royalty fee or amount thereof that is not paid by the opening date 8761
of the next fishing season, and the attorney general shall 8762
commence appropriate legal proceedings to recover the unpaid fee 8763
or amount. 8764

All commercial fishing license moneys and all other fees 8765
collected from commercial ~~fishermen~~ fishers shall be deposited in 8766
the state treasury in accordance with section 1533.33 of the 8767
Revised Code. 8768

No person shall fail to comply with any provision of this 8769
section or a division rule adopted pursuant to it. 8770

In addition to other penalties provided in the Revised Code, 8771
the license of any person who is convicted of one or more 8772
violations of this section shall be suspended upon the conviction 8773
by operation of law for a period of eighteen fishing season months 8774
immediately following the conviction. 8775

During any period of suspension, no person shall use or 8776
engage in fishing with commercial gear owned, used, or controlled 8777
at the time of conviction by the licensee whose license has been 8778
suspended. 8779

Sec. 1533.40. Each person, firm, partnership, association, or 8780
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 8781
or hellgrammites or collects the listed species for sale shall 8782
obtain, annually, from the chief of the division of wildlife a 8783
permit and shall operate under such rules as the chief ~~of the~~ 8784
~~division of wildlife prescribes~~ adopts. Such A permit shall be 8785
issued upon application and the payment of a fee of ~~twenty-five~~ 8786
forty dollars. This permit expires at midnight, on the 8787
thirty-first day of December ~~31~~. Nonresidents engaging in the 8788
collecting, seining, or picking of minnows, crayfish, or 8789
hellgrammites for bait shall have a nonresident fishing license as 8790
prescribed in section 1533.32 of the Revised Code. 8791

Sec. 1533.54. No person shall draw, set, place, locate, 8792
maintain, or possess a pound net, crib net, trammel net, fyke net, 8793
set net, seine, bar net, or fish trap, or any part thereof, or 8794
throw or hand line, with more than three hooks attached thereto, 8795
or any other device for catching fish, except a line with not more 8796
than three hooks attached thereto or lure with not more than three 8797
sets of three hooks each, in the inland fishing district of this 8798
state, except for taking carp, mullet, sheepshead, and grass pike 8799
as provided in section 1533.62 of the Revised Code, and except as 8800
provided in section 1533.60 of the Revised Code, or as otherwise 8801
provided for by division rule. No person shall catch or kill a 8802
fish in that fishing district with what are known as bob lines, 8803
trotlines, or float lines, or by grabbing with the hands, or by 8804
spearing or shooting, or with any other device other than by 8805
angling. In the waters of the inland fishing district, except 8806
those lakes, harbors, and reservoirs controlled by the state, a 8807
trotline may be used with not more than fifty hooks, and no two 8808
hooks less than three feet apart, by the owner or person having 8809
the owner's consent in that part of the stream bordering on or 8810
running through that owner's lands. 8811

Notwithstanding this section, any resident who is licensed to 8812
fish with nets in the Ohio river may possess fish nets for the 8813
sole purpose of storage, repair, drying, and tarring in the area 8814
between United States route fifty and the Ohio river from the 8815
Indiana state line to Cincinnati, Ohio, and in the area between 8816
United States route fifty-two and the Ohio river from Cincinnati, 8817
Ohio, to Chesapeake, Ohio, and in the area between state route 8818
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 8819
Ohio. 8820

Any person possessing a net in this reserve district shall 8821
have an Ohio permit for each net in ~~his~~ the person's possession. 8822

The permit shall be issued annually by the chief of the division 8823
of wildlife upon application of the owner of the net and 8824
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 8825
valid fishing license permitting ~~him~~ the owner to fish with nets 8826
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 8827
net for which an application is made and a permit is issued. The 8828
permit shall expire at twelve midnight on the fifteenth day of 8829
March of each year. 8830

Sec. 1533.631. Any person may apply for a permit to handle 8831
commercial fish, or other fish that may be bought or sold under 8832
the Revised Code or division rule, at wholesale. The chief of the 8833
division of wildlife shall issue an annual permit granting the 8834
applicant the privilege to handle such fish at wholesale at one or 8835
more designated premises upon filing of an application on a form 8836
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 8837
dollars. No person or ~~his~~ a person's agent shall handle at 8838
wholesale any fresh water fish or part thereof unless a permit has 8839
been issued for the calendar year in which the fish is handled at 8840
wholesale for the premises at which the fish is handled. 8841

A fish is handled at wholesale for purposes of this section 8842
when it is on a premises within the state and is being held, 8843
stored, handled, or processed for the purpose of sale to a person 8844
who ordinarily resells the fish. 8845

The permit required by this section shall be issued subject 8846
to the right of entry and inspection of the designated premises of 8847
the permittee by any law enforcement officer authorized by section 8848
1531.13 of the Revised Code to enforce the laws and rules of the 8849
division of wildlife. Such an officer may enter and inspect the 8850
designated premises and any box, package, or receptacle, and the 8851
contents thereof, for the purpose of determining whether any 8852
provision of this chapter or Chapter 1531. of the Revised Code or 8853

division rule is being violated. 8854

No person holding a permit under this section shall remove a 8855
label required by section 1533.301 of the Revised Code unless the 8856
box, package, or receptacle bearing the label has been opened or 8857
unless the label is replaced with another label that meets the 8858
requirements of that section. 8859

No person shall fail to comply with any provision of this 8860
section or division rule adopted pursuant to it. 8861

In addition to other penalties provided in the Revised Code, 8862
the permit of any person who is convicted of two violations of 8863
this section that occurred within a twelve-month period is 8864
suspended upon the second such conviction by operation of law for 8865
a period of five fishing season days immediately following that 8866
conviction. 8867

In addition to other penalties provided in the Revised Code, 8868
the permit of any person who is convicted of three or more 8869
violations of this section that occurred within a twelve-month 8870
period is suspended upon the third or subsequent such conviction 8871
by operation of law for a period of twenty fishing season days 8872
immediately following that conviction. 8873

During any period of suspension, no person shall use or 8874
engage in handling commercial fish at wholesale with equipment or 8875
facilities owned, used, or controlled at the time of conviction by 8876
the permittee whose permit has been suspended. 8877

Sec. 1533.632. (A) As used in this section: 8878

(1) "Aquaculture" means a form of agriculture that involves 8879
the propagation and rearing of aquatic species in controlled 8880
environments under private control, including, but not limited to, 8881
for the purpose of sale for consumption as food. 8882

(2) "Aquaculture species" means any aquatic species that may 8883

be raised through aquaculture that is either a class A aquaculture species or a class B aquaculture species. 8884
8885

(3) "Class A aquaculture species" includes all of the following: 8886
8887

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., *Salvelinus* sp.); 8888
8889

(b) Walleye (*Stizostedion vitreum*); 8890

(c) Sauger (*Stizostedion canadense*); 8891

(d) Bluegill (*Lepomis macrochirus*); 8892

(e) Redear sunfish (*Lepomis microlophus*); 8893

(f) Green sunfish (*Lepomis cyanellus*); 8894

(g) White crappie (*Pomoxis annularis*); 8895

(h) Black crappie (*Pomoxis nigromaculatus*); 8896

(i) Blue catfish (*Ictalurus furcatus*); 8897

(j) Any species added by rule under division (B) of this section or listed as commercial fish under section 1531.01 of the Revised Code except white perch (*Morone americana*). 8898
8899
8900

(4) "Class B aquaculture species" includes any species, except for class A aquaculture species, designated as such by the chief of the division of wildlife. 8901
8902
8903

(5) "Aquaculture production facility" means a facility used for aquaculture. 8904
8905

(B) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the regulation of aquaculture and may issue permits to persons wishing to engage in aquaculture for the production of aquaculture species. Rules adopted under this section shall ensure the protection and preservation of the wildlife and natural resources of this state. The legal length and weight limitations established under section 1533.63 of the 8906
8907
8908
8909
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8912

Revised Code do not apply to class A or class B aquaculture species. 8913
8914

A permit may be issued upon application to any person who 8915
satisfies the chief that the person has suitable equipment, of 8916
which ~~he~~ the person is the owner or lessee, to engage in 8917
aquaculture for a given aquaculture species or group of 8918
aquaculture species. Each permit shall be in such form as the 8919
chief prescribes. The permits shall be classified as either class 8920
A or class B. A class A permit shall be required for all class A 8921
aquaculture species that are specified in this section or 8922
designated by rule as a class A aquaculture species. Class B 8923
permits shall be issued on a case-by-case basis. In determining 8924
whether to issue a class B permit, the chief shall take into 8925
account the species for which the class B permit is requested, the 8926
location of the aquaculture production facility, and any other 8927
information determined by the chief to be necessary to protect the 8928
wildlife and natural resources of this state. The annual fee for a 8929
class A permit shall be fifty dollars unless otherwise provided by 8930
rule by the chief. The annual fee for a class B permit shall be 8931
set by the chief at a level between one hundred and five hundred 8932
dollars. In determining the fee to be charged for a class B 8933
permit, the chief shall take into account the additional costs to 8934
the division for the inspection of aquaculture facilities used to 8935
raise a given class B aquaculture species. 8936

The chief may revoke a permit upon a determination that the 8937
person to whom the permit was issued has violated any rule adopted 8938
under this section. The permit shall be reissued upon a showing by 8939
the person that ~~he~~ the person is in compliance with the rules 8940
adopted under this section. A holder of an aquaculture permit may 8941
receive a permit issued under section 1533.301, ~~1533.39~~, or 8942
1533.40 of the Revised Code without payment of the fee for that 8943
permit if the conditions for the issuance of the permit have been 8944

met. 8945

(C) No person shall knowingly sell any aquatic species under 8946
an aquaculture permit issued under this section that was not 8947
raised in an aquaculture production facility. In addition to any 8948
other penalties prescribed for violation of this division, the 8949
chief may revoke the permit of any person convicted of a violation 8950
of this division for any period of time ~~he~~ the chief considers 8951
necessary. 8952

(D) No person who does not hold a current valid aquaculture 8953
permit shall knowingly sell an aquaculture species while claiming 8954
to possess an aquaculture permit. 8955

Sec. 1533.71. Unless otherwise provided by division rule, any 8956
person desiring to engage in the business of raising and selling 8957
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 8958
animals in a wholly enclosed preserve of which the person is the 8959
owner or lessee, or to have game birds, game quadrupeds, reptiles, 8960
amphibians, or fur-bearing animals in captivity, shall apply in 8961
writing to the division of wildlife for a license to do so. 8962
8963

The division, when it appears that the application is made in 8964
good faith and upon the payment of the fee for each license, ~~shall~~ 8965
may issue to the applicant any of the following licenses that may 8966
be applied for: 8967

(A) "Commercial propagating license" permitting the licensee 8968
to propagate game birds, game quadrupeds, reptiles, amphibians, or 8969
fur-bearing animals in the wholly enclosed preserve the location 8970
of which is stated in the license and the application therefor, 8971
and to sell the propagated game birds, game quadrupeds, reptiles, 8972
amphibians, or fur-bearing animals and ship them from the state 8973
alive at any time, and permitting the licensee and the licensee's 8974
employees to kill the propagated game birds, game quadrupeds, or 8975

fur-bearing animals and sell the carcasses for food subject to 8976
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 8977
a license is ~~twenty-five~~ forty dollars per annum. 8978

(B) "Noncommercial propagating license" permitting the 8979
licensee to propagate game birds, game quadrupeds, reptiles, 8980
amphibians, or fur-bearing animals and to hold the animals in 8981
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 8982
fur-bearing animals propagated or held in captivity by authority 8983
of a noncommercial propagating license are for the licensee's own 8984
use and shall not be sold. The fee for such a license is ~~ten~~ 8985
twenty-five dollars per annum. 8986

(C) A free "raise to release license" permitting duly 8987
organized clubs, associations, or individuals approved by the 8988
division to engage in the raising of game birds, game quadrupeds, 8989
or fur-bearing animals for release only and not for sale or 8990
personal use. 8991

Except as provided by law, no person shall possess game 8992
birds, game quadrupeds, or fur-bearing animals in closed season, 8993
provided that municipal or governmental zoological parks are not 8994
required to obtain the licenses provided for in this section. 8995

All licenses issued under this section shall expire on the 8996
fifteenth day of March of each year. 8997

The chief of the division of wildlife shall pay all moneys 8998
received as fees for the issuance of licenses under this section 8999
into the state treasury to the credit of the fund created by 9000
section 1533.15 of the Revised Code for the use of the division in 9001
the purchase, preservation, and protection of wild animals and for 9002
the necessary clerical help and forms required by sections 1533.70 9003
to 1533.80 of the Revised Code. 9004

This section does not authorize the taking or the release for 9005
taking of the following: 9006

(1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code;

(2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

Sec. 1533.82. (A) On receipt of a notice pursuant to section 3123.43 of the Revised Code, the chief of the division of wildlife 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, permit, or certificate issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 1533.881 of the Revised Code.

(B) On receipt of a notice pursuant to section 3123.62 of the Revised Code, the chief shall comply with that section and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license, permit, or stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the Revised Code.

Sec. 1551.11. (A) To achieve the purposes of ~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code, the director of development may:

(1) Identify, plan, organize, initiate, and sponsor studies, research, and experimental, pilot, and demonstration facilities and projects ~~which~~ that would lead to the development and more efficient utilization of present, new, or alternative energy sources in ~~the~~ this state, to the conservation of energy, to the attraction of federal and other development funding in emerging and established national or state priority areas, or to the

enhancement of the economic development of the state; 9037

(2) Promote, assist, and provide financial assistance for the 9038
development of nonprofit corporations organized and established 9039
under Chapter 1702. of the Revised Code to further the purposes of 9040
this section; 9041

(3) Seek out, apply for, receive, and accept grants, gifts, 9042
contributions, loans, and other assistance in any form from public 9043
and private sources, including assistance from any governmental 9044
agency; 9045

(4) Make grants under division (F) of section 1551.12 of the 9046
Revised Code from funds that are appropriated by the general 9047
assembly and from gifts or grants obtained under division (A)(3) 9048
of this section for the purposes of developing, constructing, or 9049
operating experimental, pilot, and demonstration facilities or 9050
programs which develop, test, or demonstrate more efficient and 9051
environmentally acceptable methods of extracting energy resources; 9052
new concepts, programs, or technology for the conservation of 9053
energy; new concepts, programs, or technology for the efficient 9054
and environmentally acceptable utilization of present, new, or 9055
alternative energy sources; or concepts, programs, or technology 9056
which develop resources of the state. Grants may be made, without 9057
limitation, for projects and programs such as experimental 9058
demonstrations of the use of Ohio coal in processes which would 9059
facilitate its widespread use as a source of energy; experimental 9060
demonstrations of new or improved coal, natural gas, and natural 9061
petroleum extraction techniques and of reclamation techniques at 9062
the extraction sites; experimental demonstrations or development 9063
of solar heating and cooling and potentially energy-efficient 9064
construction in public buildings, schools, offices, commercial 9065
establishments, and residential homes; development of programs or 9066
experimental demonstrations of the utilization of waste products 9067
in energy production and mineral and energy conservation; and 9068

development of programs or experimental demonstrations of 9069
technologies which would permit utility pricing policies which may 9070
reduce the consumer costs of energy. 9071

(5) Enter into agreements with persons and governmental 9072
agencies, in any combination, for the purposes of this section. 9073

(B) Any materials or data submitted to, made available by or 9074
to, or received by the director under division (A) of this 9075
section, division (F) of section 1551.12, or division (B) of 9076
section 1551.15 of the Revised Code, and any information taken 9077
from those materials or data for any purpose, to the extent that 9078
those materials or data consist of trade secrets or other 9079
proprietary information, are not public information or public 9080
documents and shall not be open to public inspection. 9081

(C) The exercise by the director of the powers conferred by 9082
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 9083
the preservation or creation of jobs and employment opportunities 9084
for the people of ~~the~~ this state through the development and 9085
efficient utilization of energy resources of the state is in all 9086
respects for the benefit of the people of the state, and is 9087
determined to be an essential government function and public 9088
purpose of the state. 9089

Sec. 1551.12. The director of development may: 9090

(A) Seek, solicit, or acquire personal property or any 9091
estate, interest, or right in real property, or services, funds, 9092
and other things of value of any kind or character by purchase, 9093
lease, gift, grant, contribution, exchange, or otherwise from any 9094
person or governmental agency to be held, used, and applied in 9095
accordance with and for the purposes of ~~this chapter~~ sections 9096
1551.01 to 1551.25 of the Revised Code; 9097

(B) Contract for the operation of, and establish rules for 9098

the use of, facilities over which the director has supervision or 9099
control, which rules may include the limitation of ingress to or 9100
egress from such facilities as may be necessary to maintain the 9101
security of such facilities and to provide for the safety of those 9102
on the premises of such facilities; 9103

(C) Purchase such fire and extended coverage insurance and 9104
insurance protecting against liability for damage to property or 9105
injury to or death of persons as the director may consider 9106
necessary and proper under ~~this chapter~~ sections 1551.01 to 9107
1551.25 of the Revised Code; 9108

(D) Sponsor, conduct, assist, and encourage conferences, 9109
seminars, meetings, institutes, and other forms of meetings; 9110
authorize, prepare, publish, and disseminate any form of studies, 9111
reports, and other publications; originate, prepare, and assist 9112
proposals for the expenditure or granting of funds by any 9113
governmental agency or person for purposes of energy resource 9114
development; and investigate, initiate, sponsor, participate in, 9115
and assist with cooperative activities and programs involving 9116
governmental agencies and other entities of other states and 9117
jurisdictions; 9118

(E) Do all acts and things necessary and proper to carry out 9119
the powers granted and the duties imposed by ~~this chapter~~ sections 9120
1551.01 to 1551.25 of the Revised Code; 9121

(F) Make grants of funds to any person, organization, or 9122
governmental agency of the state for the furnishing of goods or 9123
performance of services. 9124

Any person or governmental agency that receives funds from 9125
the department of development, or utilizes the facilities of the 9126
department under ~~this chapter~~ sections 1551.01 to 1551.25 of the 9127
Revised Code shall agree in writing that all know-how, trade 9128
secrets, and other forms of property, rights, and interest arising 9129

out of developments, discoveries, or inventions, including 9130
patents, copyrights, or royalties thereon, which result in whole 9131
or in part from research, studies, or testing conducted by use of 9132
such funds or facilities shall be the sole property of the 9133
department, except as may be otherwise negotiated and provided by 9134
contract in advance of such research, studies, or testing. 9135
However, such exceptions do not apply to the director or employees 9136
of the department participating in or performing research, tests, 9137
or studies. 9138

Rights retained by the department may be assigned, licensed, 9139
transferred, sold, or otherwise disposed of, in whole or in part, 9140
to any person or governmental agency. Any and all income, 9141
royalties, or proceeds derived or retained from such dispositions 9142
shall be paid to the state and credited to the general revenue 9143
fund. 9144

Any instrument by which real property is acquired pursuant to 9145
this section shall identify the agency of ~~the~~ this state that has 9146
the use and benefit of the real property as specified in section 9147
5301.012 of the Revised Code. 9148

Sec. 1551.15. (A) All general revenue fund moneys required by 9149
the department of development for purposes of ~~this chapter~~ 9150
sections 1551.01 to 1551.25 of the Revised Code are subject to 9151
appropriation by the general assembly. 9152

(B) The director of development may enter into agreements, 9153
make grants, or enter into contracts for the purposes of effecting 9154
the construction and operation in this state of experimental, 9155
pilot, or demonstration energy resource development facilities. 9156
Before making grants or entering contracts, the director shall 9157
determine that all of the following criteria are met: 9158

(1) The urgency of public need for the potential results of 9159
the experimental, pilot, or demonstration project is high, and 9160

there is little likelihood that similar results would be achieved 9161
in this state in a timely manner in the absence of state 9162
assistance; 9163

(2) The potential opportunities for private interests to 9164
recapture the investment in the undertaking through the normal 9165
commercial exploitation of proprietary knowledge appear to be 9166
inadequate to encourage timely results in this state; 9167

(3) The extent of the problems treated and the objectives 9168
sought by the project are consistent with the purposes of ~~this~~ 9169
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 9170
general significance to the state. 9171

This determination by the director shall include the facts or 9172
reasons justifying it and shall be journalized by the director. 9173

(C) The director may use funds as appropriated, donated, 9174
granted, or received for any of the following purposes: 9175

(1) Construction and related architectural or engineering 9176
studies or purchase of physical plant and equipment for an 9177
experimental, pilot, or demonstration energy resource development 9178
facility; 9179

(2) Acquisition and improvement of land, construction of 9180
roads, and provision of other public facilities incidental and 9181
necessary to the accomplishment of experimental, pilot, or 9182
demonstration energy resource development facilities; 9183

(3) Operation of an energy resource development experimental, 9184
pilot, or demonstration project or facility, which could include 9185
but not be limited to labor, feedstocks, and repair or replacement 9186
parts; 9187

(4) Purchase of all or a portion of the usable output of 9188
energy resource development experimental, pilot, or demonstration 9189
projects and the disposition of this output for use in the 9190

facilities of governmental agencies. 9191

(D) Each grant made pursuant to this section shall be 9192
accomplished through written agreements between the department and 9193
the person or governmental agency which would effect the 9194
construction and operation of the project or facility, and between 9195
the department and the persons and governmental agencies which 9196
would share the expenses and costs of the project or facility. In 9197
addition to such other terms as may be required by law or advised 9198
by counsel, each agreement shall provide for each of the following 9199
conditions: 9200

(1) The limitation of the department's financial obligations 9201
in the project or facility to a specified dollar amount which 9202
shall not exceed one-third of the total costs of the project or 9203
facility; 9204

(2) The financial participation in the project or facility by 9205
the federal government or its agencies, by private corporations 9206
doing business in this state, by local governmental agencies, or 9207
by other organizations; 9208

(3) The disposition of the assets of the project or facility, 9209
should it be terminated or abandoned, in such manner that the 9210
department shall be repaid in the same proportion as its share in 9211
the total of moneys, property, or other assets expended, 9212
contributed, or invested in the project or facility; 9213

(4) The criteria for the identification if and when the 9214
project or facility is commercially viable through the profitable 9215
disposition of its output; 9216

(5) The termination of the department's financial support at 9217
such time the project or facility is commercially viable and the 9218
repayment of the department through the future profits, if any, of 9219
the project or facility. 9220

Sec. 1551.311. The general assembly hereby finds and declares 9221
that the future of the Ohio coal industry lies in the development 9222
of clean coal technology and that the disproportionate economic 9223
impact on the state under Title IV of the "Clean Air Act 9224
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 9225
maximum federal assistance to ~~the~~ this state for such development. 9226
It is therefore imperative that the ~~department of development~~ Ohio 9227
air quality development authority created under Chapter 3706. of 9228
the Revised Code, its Ohio coal development office, the Ohio coal 9229
industry, the Ohio Washington office in the office of the 9230
governor, and the state's congressional delegation make every 9231
effort to acquire any federal assistance available for the 9232
development of clean coal technology, including assisting entities 9233
eligible for grants in their acquisition. The Ohio coal 9234
development agenda required by section 1551.34 of the Revised Code 9235
shall include, in addition to the other information required by 9236
that section, a description of such efforts and a description of 9237
the current status of the development of clean coal technology in 9238
this state and elsewhere. 9239

Sec. 1551.32. (A) There is hereby established within the 9240
~~department of development~~ Ohio air quality development authority 9241
the Ohio coal development office whose purposes are to do all of 9242
the following: 9243

(1) Encourage, promote, and support siting, financing, 9244
construction, and operation of commercially available or scaled 9245
facilities and technologies, including, without limitation, 9246
commercial-scale demonstration facilities and, when necessary or 9247
appropriate to demonstrate the commercial acceptability of a 9248
specific technology, up to three installations within this state 9249
utilizing the specific technology, to more efficiently produce, 9250
beneficiate, market, or use Ohio coal; 9251

(2) Encourage, promote, and support the market acceptance and increased market use of Ohio coal through technology and market development; 9252
9253
9254

(3) Assist in the financing of coal development facilities; 9255

(4) Encourage, promote, and support, in state-owned buildings, facilities, and operations, use of Ohio coal and electricity sold by utilities and others in this state that use Ohio coal for generation; 9256
9257
9258
9259

(5) Improve environmental quality, particularly through cleaner use of Ohio coal; 9260
9261

(6) Assist and cooperate with governmental agencies, universities and colleges, coal producers, coal miners, electric utilities and other coal users, public and private sector coal development interests, and others in achieving these purposes. 9262
9263
9264
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(B) The office shall give priority to improvement or reconstruction of existing facilities and equipment when economically feasible, to construction and operation of commercial-scale facilities, and to technologies, equipment, and other techniques that enable maximum use of Ohio coal in an environmentally acceptable, cost-effective manner. 9266
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Sec. 1551.33. (A) ~~The director of development~~ Ohio air quality development authority, by the affirmative vote of a majority of its members, shall appoint and fix the compensation of the director of the Ohio coal development office ~~established under section 1551.32 of the Revised Code.~~ The director ~~of the office~~ shall serve at the pleasure of the ~~director of development~~ authority. 9272
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(B) The director of the office shall do all of the following: 9279

(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; 9280
9281

(2) Propose and support policies for the office consistent 9282
with the Ohio coal development agenda and develop means to 9283
implement the agenda; 9284

(3) Initiate, undertake, and support projects to carry out 9285
the office's purposes and ensure that the projects are consistent 9286
with and meet the selection criteria established by the Ohio coal 9287
development agenda; 9288

(4) Actively encourage joint participation in and, when 9289
feasible, joint funding of the office's projects with governmental 9290
agencies, electric utilities, universities and colleges, other 9291
public or private interests, or any other person; 9292

(5) Establish a table of organization for and employ such 9293
employees and agents as are necessary for the administration and 9294
operation of the office; 9295

(6) Appoint specified members of and convene the technical 9296
advisory committee established under section 1551.35 of the 9297
Revised Code; 9298

(7) Review, with the assistance of the technical advisory 9299
committee, proposed coal research and development projects as 9300
defined in section 1555.01 of the Revised Code, and coal 9301
development projects, submitted to the office by public utilities 9302
for the purpose of section 4905.304 of the Revised Code. If the 9303
director and the advisory committee determine that any such 9304
facility or project has as its purpose the enhanced use of Ohio 9305
coal in an environmentally acceptable, cost effective manner, 9306
promotes energy conservation, is cost effective, and is 9307
environmentally sound, the director shall submit to the public 9308
utilities commission a report recommending that the commission 9309
allow the recovery of costs associated with the facility or 9310
project under section 4905.304 of the Revised Code and including 9311
the reasons for the recommendation. 9312

(8) Establish such policies, procedures, and guidelines as 9313
are necessary to achieve the office's purposes. 9314

(C) ~~With the approval of the director of development~~ By the 9315
affirmative vote of a majority of the members of the Ohio air 9316
quality development authority, the director of the office may 9317
exercise any of the powers and duties of the director of 9318
development as the ~~directors~~ authority and the director of the 9319
office consider appropriate or desirable to achieve the office's 9320
purposes, including, but not limited to, the powers and duties 9321
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 9322
the Revised Code. 9323

Additionally, the director of the office may make loans to 9324
governmental agencies or persons for projects to carry out the 9325
office's purposes. Fees, charges, rates of interest, times of 9326
payment of interest and principal, and other terms, conditions, 9327
and provisions of the loans shall be such as the director of the 9328
office determines to be appropriate and in furtherance of the 9329
purposes for which the loans are made. The mortgage lien securing 9330
any moneys lent by the director of the office may be subordinate 9331
to the mortgage lien securing any moneys lent or invested by a 9332
financial institution, but shall be superior to that securing any 9333
moneys lent or expended by any other person. The moneys used in 9334
making the loans shall be disbursed upon order of the director of 9335
the office. 9336

Sec. 1551.35. (A) There is hereby established a technical 9337
advisory committee to assist the director of the Ohio coal 9338
development office ~~established under section 1551.32 of the~~ 9339
~~Revised Code~~ in achieving the office's purposes. The director 9340
shall appoint to the committee one member of the public utilities 9341
commission and one representative each of coal production 9342
companies, the united mine workers of America, electric utilities, 9343

manufacturers that use Ohio coal, and environmental organizations, 9344
as well as two people with a background in coal research and 9345
development technology, one of whom is employed at the time of the 9346
member's appointment by a state university, as defined in section 9347
3345.011 of the Revised Code. In addition, the committee shall 9348
include four legislative members. The speaker and minority leader 9349
of the house of representatives each shall appoint one member of 9350
the house of representatives, and the president and minority 9351
leader of the senate each shall appoint one member of the senate, 9352
to the committee. The director of environmental protection, 9353
~~representing the environmental protection agency, the Ohio air~~ 9354
~~quality~~ director of development authority, and one member of the 9355
Ohio water development authority designated by that authority, 9356
shall serve on the committee as members ex officio. Any member of 9357
the committee may designate in writing a substitute to serve in 9358
the member's absence on the committee. The director of 9359
environmental protection may designate in writing the chief of the 9360
air pollution control division of the agency to represent the 9361
agency. Members shall serve on the committee at the pleasure of 9362
their appointing authority. Members of the committee appointed by 9363
the director of the office and, notwithstanding section 101.26 of 9364
the Revised Code, legislative members of the committee, when 9365
engaged in their official duties as members of the committee, 9366
shall be compensated on a per diem basis in accordance with 9367
division (J) of section 124.15 of the Revised Code, except that 9368
the member of the public utilities commission and, while employed 9369
by a state university, the member with a background in coal 9370
research, shall not be so compensated. Members shall receive their 9371
actual and necessary expenses incurred in the performance of their 9372
duties. 9373

(B) The technical advisory committee shall review and make 9374
recommendations concerning the Ohio coal development agenda 9375
required under section 1551.34 of the Revised Code, project 9376

proposals, research and development projects submitted to the 9377
office by public utilities for the purpose of section 4905.304 of 9378
the Revised Code, proposals for grants, loans, and loan guarantees 9379
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 9380
and such other topics as the director of the office considers 9381
appropriate. 9382

(C) The technical advisory committee may hold an executive 9383
session at any regular or special meeting for the purpose of 9384
considering research and development project proposals or 9385
applications for assistance submitted to the Ohio coal development 9386
office under section 1551.33, or sections 1555.01 to 1555.06, of 9387
the Revised Code, to the extent that such proposals or 9388
applications consist of trade secrets or other proprietary 9389
information. 9390

Any materials or data submitted to, made available to, or 9391
received by the ~~director of Ohio air quality development authority~~ 9392
or the director of the Ohio coal development office in connection 9393
with agreements for assistance entered into under this chapter or 9394
Chapter 1555. of the Revised Code, or any information taken from 9395
such materials or data for any purpose, to the extent that the 9396
materials or data consist of trade secrets or other proprietary 9397
information, are not public records for the purposes of section 9398
149.43 of the Revised Code. 9399

As used in this division, "trade secrets" has the same 9400
meaning as in section 1333.61 of the Revised Code. 9401

Sec. 1555.02. It is hereby declared to be the public policy 9402
of ~~the~~ this state through the operations of the Ohio coal 9403
development office under this chapter to contribute toward one or 9404
more of the following: to provide for the comfort, health, safety, 9405
and general welfare of all employees and other inhabitants of ~~the~~ 9406
this state through research and development directed toward the 9407

discovery of new technologies or the demonstration or application 9408
of existing technologies to enable the conversion or use of Ohio 9409
coal as a fuel or chemical feedstock in an environmentally 9410
acceptable manner thereby enhancing the marketability and 9411
fostering the use of this state's vast reserves of coal, to assist 9412
in the financing of coal research and development and coal 9413
research and development projects or facilities for persons doing 9414
business in this state and educational and scientific institutions 9415
located in this state, to create or preserve jobs and employment 9416
opportunities or improve the economic welfare of the people of ~~the~~ 9417
this state, or to assist and cooperate with such persons and 9418
educational and scientific institutions in conducting coal 9419
research and development. In furtherance of ~~such~~ this public 9420
policy, the Ohio coal development office ~~may~~, with the advice of 9421
the technical advisory committee created in section 1551.35 of the 9422
Revised Code and the ~~approval of the director of development~~ 9423
affirmative vote of a majority of the members of the Ohio air 9424
quality development authority, may make loans, guarantee loans, 9425
and make grants to persons doing business in this state or to 9426
educational or scientific institutions located in this state for 9427
coal research and development projects by such persons or 9428
educational or scientific institutions; ~~may~~, with the advice of 9429
the technical advisory committee and the ~~approval of the director~~ 9430
~~of development~~ affirmative vote of a majority of the members of 9431
the Ohio air quality development authority, request the issuance 9432
of coal research and development general obligations under section 9433
151.07 of the Revised Code to provide funds for making such loans, 9434
loan guarantees, and grants; and ~~may~~, with the advice of the 9435
technical advisory committee and the ~~approval of the director of~~ 9436
~~development~~ affirmative vote of a majority of the members of the 9437
Ohio air quality development authority, expend moneys credited to 9438
the coal research and development fund created in section 1555.15 9439
of the Revised Code for the purpose of making such loans, loan 9440

guarantees, and grants. Determinations by the director of the Ohio 9441
coal development office that coal research and development or a 9442
coal research and development facility is a coal research and 9443
development project under this chapter and is consistent with the 9444
purposes of Section 15 of Article VIII, Ohio Constitution, and 9445
this chapter shall be conclusive as to the validity and 9446
enforceability of the coal research and development general 9447
obligations issued to finance such project and of the 9448
authorizations, trust agreements or indentures, loan agreements, 9449
loan guarantee agreements, or grant agreements, and other 9450
agreements made in connection therewith, all in accordance with 9451
their terms. 9452

Sec. 1555.03. For the purposes of this chapter, the director 9453
of the Ohio coal development office may: 9454

(A) With the advice of the technical advisory committee 9455
created in section 1551.35 of the Revised Code and the ~~approval of~~ 9456
~~the director of development~~ affirmative vote of a majority of the 9457
members of the Ohio air quality development authority, make loans, 9458
guarantee loans, and make grants to persons doing business in this 9459
state or to educational or scientific institutions located in this 9460
state for coal research and development projects by any such 9461
person or educational or scientific institution and adopt rules 9462
under Chapter 119. of the Revised Code for making such loans, 9463
guarantees, and grants. 9464

(B) In making loans, loan guarantees, and grants under 9465
division (A) of this section and section 1555.04 of the Revised 9466
Code, the director of the office shall ensure that an adequate 9467
portion of the total amount of those loans, loan guarantees, and 9468
grants, as determined by the director with the advice of the 9469
technical advisory committee, ~~be~~ is used for conducting research 9470
on fundamental scientific problems related to the utilization of 9471

Ohio coal and shall ensure, to the maximum feasible extent, joint 9472
financial participation by the federal government or other 9473
investors or interested parties in conjunction with any such loan, 9474
loan guarantee, or grant. The director, in each grant agreement or 9475
contract under division (A) of this section, loan contract or 9476
agreement under this division or section 1555.04 of the Revised 9477
Code, and contract of guarantee under section 1555.05 of the 9478
Revised Code, shall require that the facility or project be 9479
maintained and kept in good condition and repair by the person or 9480
educational or scientific institution to whom the grant or loan 9481
was made or for whom the guarantee was made. 9482

(C) From time to time, with the advice of the technical 9483
advisory committee and the ~~approval of the director of development~~ 9484
affirmative vote of a majority of the members of the Ohio air 9485
quality development authority, request the issuance of coal 9486
research and development general obligations under section 151.07 9487
of the Revised Code, for any of the purposes set forth in Section 9488
15 of Article VIII, Ohio Constitution, and subject to the 9489
limitations therein upon the aggregate total amount of obligations 9490
that may be outstanding at any time. 9491

(D) Include as a condition of any loan, loan guarantee, or 9492
grant contract or agreement with any such person or educational or 9493
scientific institution that the director of the office receive, in 9494
addition to payments of principal and interest on any such loan or 9495
service charges for any such guarantee, as appropriate, as 9496
authorized by Section 15, Article VIII, Ohio Constitution, a 9497
reasonable royalty or portion of the income or profits arising out 9498
of the developments, discoveries, or inventions, including patents 9499
or copyrights ~~which, that~~ result in whole or in part from coal 9500
research and development projects conducted under any such 9501
contract or agreement, in such amounts and for such period of 9502
years as may be negotiated and provided by the contract or 9503

agreement in advance of the making of the grant, loan, or loan 9504
guarantee. Moneys so received by the director of the office shall 9505
be credited to the coal research and development bond service 9506
fund. 9507

(E) Employ managers, superintendents, and other employees and 9508
retain or contract with consulting engineers, financial 9509
consultants, accounting experts, architects, and such other 9510
consultants and independent contractors as are necessary in the 9511
judgment of the director of the office to carry out this chapter, 9512
and fix the compensation thereof. 9513

(F) Receive and accept from any federal agency, subject to 9514
the approval of the governor, grants for or in aid of the 9515
construction or operation of any coal research and development 9516
project or for coal research and development, and receive and 9517
accept aid or contributions from any source of money, property, 9518
labor, or other things of value, to be held, used, and applied 9519
only for the purposes for which such grants and contributions are 9520
made. 9521

(G) Purchase fire and extended coverage and liability 9522
insurance for any coal research and development project, insurance 9523
protecting the office and its officers and employees against 9524
liability for damage to property or injury to or death of persons 9525
arising from its operations, and any other insurance the director 9526
of the office determines necessary or proper under this chapter. 9527
Any moneys received by the director from the proceeds of any such 9528
insurance with respect to a coal research and development project 9529
and any moneys received by the director from the proceeds of any 9530
settlement, judgment, foreclosure, or other insurance with respect 9531
to a coal research and development project or facility shall be 9532
credited to the coal research and development bond service fund. 9533

(H) In the exercise of the powers of the director of the 9534
office under this chapter, call to the director's assistance, 9535

temporarily, from time to time, any engineers, technical experts, 9536
financial experts, and other employees in any state department, 9537
agency, or commission, or in the Ohio state university, or other 9538
educational institutions financed wholly or partially by ~~the~~ this 9539
state for purposes of assisting the director of the office with 9540
reviewing and evaluating applications for financial assistance 9541
under this chapter, monitoring performance of coal research and 9542
development projects receiving financial assistance under this 9543
chapter, and reviewing and evaluating the progress and findings of 9544
those projects. Such engineers, experts, and employees shall not 9545
receive any additional compensation over that which they receive 9546
from the department, agency, commission, or educational 9547
institution by which they are employed, but they shall be 9548
reimbursed for their actual and necessary expenses incurred while 9549
working under the direction of the director. 9550

(I) Do all acts necessary or proper to carry out the powers 9551
expressly granted in this chapter. 9552

Sec. 1555.04. (A) With respect to coal research and 9553
development projects financed wholly or partially from a loan or 9554
loan guarantee under this chapter, the director of the Ohio coal 9555
development office ~~may~~, in addition to other powers under this 9556
chapter, with the advice of the technical advisory committee 9557
created in section 1551.35 of the Revised Code and the ~~approval~~ 9558
affirmative vote of the director of development a majority of the 9559
members of the Ohio air quality development authority, may enter 9560
into loan agreements, accept notes and other forms of obligation 9561
to evidence such indebtedness and mortgages, liens, pledges, 9562
assignments, or other security interests to secure such 9563
indebtedness, which may be prior or subordinate to or on a parity 9564
with other indebtedness, obligations, mortgages, pledges, 9565
assignments, other security interests, or liens or encumbrances, 9566
and take such actions as ~~he~~ the director of the office considers 9567

appropriate to protect such security and safeguard against losses, 9568
including, without limitation, foreclosure and the bidding upon 9569
and purchase of property upon foreclosure or other sale. 9570

(B) The authority granted by this section is cumulative and 9571
supplementary to all other authority granted in this chapter. The 9572
authority granted by this section does not alter or impair any 9573
similar authority granted elsewhere in this chapter with respect 9574
to other projects. 9575

Sec. 1555.05. (A) Subject to any limitations as to aggregate 9576
amounts thereof that may from time to time be prescribed by the 9577
general assembly and to other applicable provisions of this 9578
chapter, and subject to the ~~one hundred million dollar~~ 9579
one-hundred-million-dollar limitation provided in Section 15 of 9580
Article VIII, Ohio Constitution, the director of the Ohio coal 9581
development office ~~may~~, on behalf of ~~the~~ this state, with the 9582
advice of the technical advisory committee created in section 9583
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 9584
majority of the members of the director of development Ohio air 9585
quality development authority, may enter into contracts to 9586
guarantee the repayment or payment of the unpaid principal amount 9587
of loans made to pay the costs of coal research and development 9588
projects. 9589

(B) The contract of guarantee may make provision for the 9590
conditions of, time for, and manner of fulfillment of the 9591
guarantee commitment, subrogation of ~~the~~ this state to the rights 9592
of the parties guaranteed and exercise of such parties' rights by 9593
the state, giving the state the option of making payment of the 9594
principal amount guaranteed in one or more installments and, if 9595
deferred, to pay interest thereon from the source specified in 9596
division (A) of this section, and any other terms or conditions 9597
customary to such guarantees and as the director of the office may 9598

approve, and may contain provisions for securing the guarantee in 9599
the manner consistent with this section, covenants on behalf of 9600
~~the~~ this state to issue obligations under section 1555.08 of the 9601
Revised Code to provide moneys to fulfill such guarantees and 9602
covenants, and covenants restricting the aggregate amount of 9603
guarantees that may be contracted under this section and 9604
obligations that may be issued under section 151.07 of the Revised 9605
Code, and terms pertinent to either, to better secure the parties 9606
guaranteed. 9607

(C) The director of the office may fix service charges for 9608
making a guarantee. Such charges shall be payable at such times 9609
and place and in such amounts and manner as may be prescribed by 9610
the director. Moneys received from such charges shall be credited 9611
to the coal research and development bond service fund. 9612

(D) Any guaranteed parties under this section, by any 9613
suitable form of legal proceedings and except to the extent that 9614
their rights are restricted by the guarantee documents, may ~~by any~~ 9615
~~suitable form of legal proceedings,~~ protect and enforce any rights 9616
under the laws of this state or granted by such guarantee or 9617
guarantee documents. Such rights include the right to compel the 9618
performance of all duties of the office required by this section 9619
or the guarantee or guarantee documents; and in the event of 9620
default with respect to the payment of any guarantees, to apply to 9621
a court having jurisdiction of the cause to appoint a receiver to 9622
receive and administer the moneys pledged to such guarantee with 9623
full power to pay, and to provide for payment of, such guarantee, 9624
and with such powers, subject to the direction of the court, as 9625
are accorded receivers in general equity cases, excluding any 9626
power to pledge or apply additional revenues or receipts or other 9627
income or moneys of ~~the~~ this state. Each duty of the office and 9628
its director and employees required or undertaken under this 9629
section or a guarantee made under this section is hereby 9630

established as a duty of the office and of its director and each 9631
such employee having authority to perform such duty, specifically 9632
enjoined by the law resulting from an office, trust, or station 9633
within the meaning of section 2731.01 of the Revised Code. The 9634
persons who are at the time the director of the office, or its 9635
employees, are not liable in their personal capacities on any 9636
guarantees or contracts to make guarantees by the director. 9637

Sec. 1555.06. Upon application by the director of the Ohio 9638
coal development office with the ~~approval~~ affirmative vote of a 9639
majority of the ~~director of development~~ members of the Ohio air 9640
quality development authority, the controlling board ~~may~~, from 9641
appropriations available to the board, may provide funds for 9642
surveys or studies by the office of any proposed coal research and 9643
development project subject to repayment by the office from funds 9644
available to it, within the time fixed by the board. Funds to be 9645
repaid shall be charged by the office to the appropriate coal 9646
research and development project and the amount thereof shall be a 9647
cost of the project. This section does not abrogate the authority 9648
of the controlling board to otherwise provide funds for use by the 9649
office in the exercise of the powers granted to it by this 9650
chapter. 9651

Sec. 1555.08. (A) Subject to the limitations provided in 9652
Section 15 of Article VIII, Ohio Constitution, the commissioners 9653
of the sinking fund, upon certification by the director of the 9654
Ohio coal development office of the amount of moneys or additional 9655
moneys needed in the coal research and development fund for the 9656
purpose of making grants or loans for allowable costs, or needed 9657
for capitalized interest, for funding reserves, and for paying 9658
costs and expenses incurred in connection with the issuance, 9659
carrying, securing, paying, redeeming, or retirement of the 9660
obligations or any obligations refunded thereby, including payment 9661

of costs and expenses relating to letters of credit, lines of 9662
credit, insurance, put agreements, standby purchase agreements, 9663
indexing, marketing, remarketing and administrative arrangements, 9664
interest swap or hedging agreements, and any other credit 9665
enhancement, liquidity, remarketing, renewal, or refunding 9666
arrangements, all of which are authorized by this section, or 9667
providing moneys for loan guarantees, shall issue obligations of 9668
the state under this section in amounts authorized by the general 9669
assembly; provided that such obligations may be issued to the 9670
extent necessary to satisfy the covenants in contracts of 9671
guarantee made under section 1555.05 of the Revised Code to issue 9672
obligations to meet such guarantees, notwithstanding limitations 9673
otherwise applicable to the issuance of obligations under this 9674
section except the one-hundred-million-dollar limitation provided 9675
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 9676
such obligations, except for the portion to be deposited in the 9677
coal research and development bond service fund as may be provided 9678
in the bond proceedings, shall as provided in the bond proceedings 9679
be deposited in the coal research and development fund. The 9680
commissioners of the sinking fund may appoint trustees, paying 9681
agents, and transfer agents and may retain the services of 9682
financial advisors, accounting experts, and attorneys, and retain 9683
or contract for the services of marketing, remarketing, indexing, 9684
and administrative agents, other consultants, and independent 9685
contractors, including printing services, as are necessary in 9686
their judgment to carry out this section. 9687

(B) The full faith and credit of the state of Ohio is hereby 9688
pledged to obligations issued under this section. The right of the 9689
holders and owners to payment of bond service charges is limited 9690
to all or that portion of the moneys pledged thereto pursuant to 9691
the bond proceedings in accordance with this section, and each 9692
such obligation shall bear on its face a statement to that effect. 9693

(C) Obligations shall be authorized by resolution of the 9694
commissioners of the sinking fund on request of the director of 9695
the Ohio coal development office as provided in section 1555.02 of 9696
the Revised Code and the bond proceedings shall provide for the 9697
purpose thereof and the principal amount or amounts, and shall 9698
provide for or authorize the manner or agency for determining the 9699
principal maturity or maturities, not exceeding forty years from 9700
the date of issuance, the interest rate or rates or the maximum 9701
interest rate, the date of the obligations and the dates of 9702
payment of interest thereon, their denomination, and the 9703
establishment within or without the state of a place or places of 9704
payment of bond service charges. Sections 9.98 to 9.983 of the 9705
Revised Code apply to obligations issued under this section. The 9706
purpose of such obligations may be stated in the bond proceedings 9707
in terms describing the general purpose or purposes to be served. 9708
The bond proceedings shall also provide, subject to the provisions 9709
of any other applicable bond proceedings, for the pledge of all, 9710
or such part as the commissioners of the sinking fund may 9711
determine, of the moneys credited to the coal research and 9712
development bond service fund to the payment of bond service 9713
charges, which pledges may be made either prior or subordinate to 9714
other expenses, claims, or payments and may be made to secure the 9715
obligations on a parity with obligations theretofore or thereafter 9716
issued, if and to the extent provided in the bond proceedings. The 9717
moneys so pledged and thereafter received by the state are 9718
immediately subject to the lien of such pledge without any 9719
physical delivery thereof or further act, and the lien of any such 9720
pledges is valid and binding against all parties having claims of 9721
any kind against the state or any governmental agency of the 9722
state, irrespective of whether such parties have notice thereof, 9723
and shall create a perfected security interest for all purposes of 9724
Chapter 1309. of the Revised Code, without the necessity for 9725
separation or delivery of funds or for the filing or recording of 9726

the bond proceedings by which such pledge is created or any 9727
certificate, statement or other document with respect thereto; and 9728
the pledge of such moneys is effective and the money therefrom and 9729
thereof may be applied to the purposes for which pledged without 9730
necessity for any act of appropriation. Every pledge, and every 9731
covenant and agreement made with respect thereto, made in the bond 9732
proceedings may therein be extended to the benefit of the owners 9733
and holders of obligations authorized by this section, and to any 9734
trustee therefor, for the further security of the payment of the 9735
bond service charges. 9736

(D) The bond proceedings may contain additional provisions as 9737
to: 9738

(1) The redemption of obligations prior to maturity at the 9739
option of the commissioners of the sinking fund at such price or 9740
prices and under such terms and conditions as are provided in the 9741
bond proceedings; 9742

(2) Other terms of the obligations; 9743

(3) Limitations on the issuance of additional obligations; 9744

(4) The terms of any trust agreement or indenture securing 9745
the obligations or under which the obligations may be issued; 9746

(5) The deposit, investment, and application of the coal 9747
research and development bond service fund, and the safeguarding 9748
of moneys on hand or on deposit, without regard to Chapter 131. or 9749
135. of the Revised Code, but subject to any special provisions of 9750
this chapter, with respect to particular moneys; provided, that 9751
any bank or trust company which acts as depository of any moneys 9752
in the fund may furnish such indemnifying bonds or may pledge such 9753
securities as required by the commissioners of the sinking fund; 9754

(6) Any other provision of the bond proceedings being binding 9755
upon the commissioners of the sinking fund, or such other body or 9756
person as may from time to time have the authority under law to 9757

take such actions as may be necessary to perform all or any part 9758
of the duty required by such provision; 9759

(7) Any provision which may be made in a trust agreement or 9760
indenture; 9761

(8) Any other or additional agreements with the holders of 9762
the obligations, or the trustee therefor, relating to the 9763
obligations or the security therefor, including the assignment of 9764
mortgages or other security obtained or to be obtained for loans 9765
under this chapter. 9766

(E) The obligations may have the great seal of the state or a 9767
facsimile thereof affixed thereto or printed thereon. The 9768
obligations shall be signed by such members of the commissioners 9769
of the sinking fund as are designated in the resolution 9770
authorizing the obligations or bear the facsimile signatures of 9771
such members. Any coupons attached to the obligations shall bear 9772
the facsimile signature of the treasurer of state. Any obligations 9773
may be executed by the persons who, on the date of execution, are 9774
the commissioners although on the date of such bonds the persons 9775
were not the commissioners. Any coupons may be executed by the 9776
person who, on the date of execution, is the treasurer of state 9777
although on the date of such coupons the person was not the 9778
treasurer of state. In case any officer or commissioner whose 9779
signature or a facsimile of whose signature appears on any such 9780
obligations or any coupons ceases to be such officer or 9781
commissioner before delivery thereof, such signature or facsimile 9782
is nevertheless valid and sufficient for all purposes as if the 9783
individual had remained such officer or commissioner until such 9784
delivery; and in case the seal to be affixed to obligations has 9785
been changed after a facsimile of the seal has been imprinted on 9786
such obligations, such facsimile seal shall continue to be 9787
sufficient as to such obligations and obligations issued in 9788
substitution or exchange therefor. 9789

(F) All obligations except loan guarantees are negotiable 9790
instruments and securities under Chapter 1308. of the Revised 9791
Code, subject to the provisions of the bond proceedings as to 9792
registration. The obligations may be issued in coupon or in 9793
registered form, or both, as the commissioners of the sinking fund 9794
determine. Provision may be made for the registration of any 9795
obligations with coupons attached thereto as to principal alone or 9796
as to both principal and interest, their exchange for obligations 9797
so registered, and for the conversion or reconversion into 9798
obligations with coupons attached thereto of any obligations 9799
registered as to both principal and interest, and for reasonable 9800
charges for such registration, exchange, conversion, and 9801
reconversion. 9802

(G) Obligations may be sold at public sale or at private 9803
sale, as determined in the bond proceedings. 9804

(H) Pending preparation of definitive obligations, the 9805
commissioners of the sinking fund may issue interim receipts or 9806
certificates which shall be exchanged for such definitive 9807
obligations. 9808

(I) In the discretion of the commissioners of the sinking 9809
fund, obligations may be secured additionally by a trust agreement 9810
or indenture between the commissioners and a corporate trustee, 9811
which may be any trust company or bank having its principal place 9812
of business within the state. Any such agreement or indenture may 9813
contain the resolution authorizing the issuance of the 9814
obligations, any provisions that may be contained in any bond 9815
proceedings, and other provisions that are customary or 9816
appropriate in an agreement or indenture of such type, including, 9817
but not limited to: 9818

(1) Maintenance of each pledge, trust agreement, indenture, 9819
or other instrument comprising part of the bond proceedings until 9820

the state has fully paid the bond service charges on the 9821
obligations secured thereby, or provision therefor has been made; 9822

(2) In the event of default in any payments required to be 9823
made by the bond proceedings, or any other agreement of the 9824
commissioners of the sinking fund made as a part of the contract 9825
under which the obligations were issued, enforcement of such 9826
payments or agreement by mandamus, the appointment of a receiver, 9827
suit in equity, action at law, or any combination of the 9828
foregoing; 9829

(3) The rights and remedies of the holders of obligations and 9830
of the trustee, and provisions for protecting and enforcing them, 9831
including limitations on rights of individual holders of 9832
obligations; 9833

(4) The replacement of any obligations that become mutilated 9834
or are destroyed, lost, or stolen; 9835

(5) Such other provisions as the trustee and the 9836
commissioners of the sinking fund agree upon, including 9837
limitations, conditions, or qualifications relating to any of the 9838
foregoing. 9839

(J) Any holder of obligations or a trustee under the bond 9840
proceedings, except to the extent that the holder's rights are 9841
restricted by the bond proceedings, may by any suitable form of 9842
legal proceedings protect and enforce any rights under the laws of 9843
this state or granted by such bond proceedings. Such rights 9844
include the right to compel the performance of all duties of the 9845
commissioners of the sinking fund, the ~~director of development~~ 9846
Ohio air quality development authority, or the Ohio coal 9847
development office required by this chapter and Chapter 1551. of 9848
the Revised Code or the bond proceedings; to enjoin unlawful 9849
activities; and in the event of default with respect to the 9850
payment of any bond service charges on any obligations or in the 9851

performance of any covenant or agreement on the part of the 9852
commissioners, the ~~director~~ authority, or the office in the bond 9853
proceedings, to apply to a court having jurisdiction of the cause 9854
to appoint a receiver to receive and administer the moneys 9855
pledged, other than those in the custody of the treasurer of 9856
state, that are pledged to the payment of the bond service charges 9857
on such obligations or that are the subject of the covenant or 9858
agreement, with full power to pay, and to provide for payment of 9859
bond service charges on, such obligations, and with such powers, 9860
subject to the direction of the court, as are accorded receivers 9861
in general equity cases, excluding any power to pledge additional 9862
revenues or receipts or other income or moneys of the 9863
commissioners of the sinking fund or the state or governmental 9864
agencies of the state to the payment of such principal and 9865
interest and excluding the power to take possession of, mortgage, 9866
or cause the sale or otherwise dispose of any project. 9867

Each duty of the commissioners of the sinking fund and their 9868
employees, and of each governmental agency and its officers, 9869
members, or employees, undertaken pursuant to the bond proceedings 9870
or any grant, loan, or loan guarantee agreement made under 9871
authority of this chapter, and in every agreement by or with the 9872
commissioners, is hereby established as a duty of the 9873
commissioners, and of each such officer, member, or employee 9874
having authority to perform such duty, specifically enjoined by 9875
the law resulting from an office, trust, or station within the 9876
meaning of section 2731.01 of the Revised Code. 9877

The persons who are at the time the commissioners of the 9878
sinking fund, or their employees, are not liable in their personal 9879
capacities on any obligations issued by the commissioners or any 9880
agreements of or with the commissioners. 9881

(K) Obligations issued under this section are lawful 9882
investments for banks, societies for savings, savings and loan 9883

associations, deposit guarantee associations, trust companies, 9884
trustees, fiduciaries, insurance companies, including domestic for 9885
life and domestic not for life, trustees or other officers having 9886
charge of sinking and bond retirement or other special funds of 9887
political subdivisions and taxing districts of this state, the 9888
commissioners of the sinking fund of the state, the administrator 9889
of workers' compensation, the state teachers retirement system, 9890
the public employees retirement system, the school employees 9891
retirement system, and the Ohio police and fire pension fund, 9892
notwithstanding any other provisions of the Revised Code or rules 9893
adopted pursuant thereto by any governmental agency of the state 9894
with respect to investments by them, and are also acceptable as 9895
security for the deposit of public moneys. 9896

(L) If the law or the instrument creating a trust pursuant to 9897
division (I) of this section expressly permits investment in 9898
direct obligations of the United States or an agency of the United 9899
States, unless expressly prohibited by the instrument, such moneys 9900
also may be invested in no-front-end-load money market mutual 9901
funds consisting exclusively of obligations of the United States 9902
or an agency of the United States and in repurchase agreements, 9903
including those issued by the fiduciary itself, secured by 9904
obligations of the United States or an agency of the United 9905
States; and in collective investment funds established in 9906
accordance with section 1111.14 of the Revised Code and consisting 9907
exclusively of any such securities, notwithstanding division 9908
(A)(1)(c) of that section. The income from such investments shall 9909
be credited to such funds as the commissioners of the sinking fund 9910
determine, and such investments may be sold at such times as the 9911
commissioners determine or authorize. 9912

(M) Provision may be made in the applicable bond proceedings 9913
for the establishment of separate accounts in the bond service 9914
fund and for the application of such accounts only to the 9915

specified bond service charges on obligations pertinent to such 9916
accounts and bond service fund and for other accounts therein 9917
within the general purposes of such fund. Moneys to the credit of 9918
the bond service fund shall be disbursed on the order of the 9919
treasurer of state; provided, that no such order is required for 9920
the payment from the bond service fund when due of bond service 9921
charges on obligations. 9922

(N) The commissioners of the sinking fund may pledge all, or 9923
such portion as they determine, of the receipts of the bond 9924
service fund to the payment of bond service charges on obligations 9925
issued under this section, and for the establishment and 9926
maintenance of any reserves, as provided in the bond proceedings, 9927
and make other provisions therein with respect to pledged receipts 9928
as authorized by this chapter, which provisions control 9929
notwithstanding any other provisions of law pertaining thereto. 9930

(O) The commissioners of the sinking fund may covenant in the 9931
bond proceedings, and any such covenants control notwithstanding 9932
any other provision of law, that the state and applicable officers 9933
and governmental agencies of the state, including the general 9934
assembly, so long as any obligations are outstanding, shall: 9935

(1) Maintain statutory authority for and cause to be levied 9936
and collected taxes so that the pledged receipts are sufficient in 9937
amount to meet bond service charges, and the establishment and 9938
maintenance of any reserves and other requirements provided for in 9939
the bond proceedings, and, as necessary, to meet covenants 9940
contained in any loan guarantees made under this chapter; 9941

(2) Take or permit no action, by statute or otherwise, that 9942
would impair the exemption from federal income taxation of the 9943
interest on the obligations. 9944

(P) All moneys received by or on account of the state and 9945
required by the applicable bond proceedings, consistent with this 9946

section, to be deposited, transferred, or credited to the coal 9947
research and development bond service fund, and all other moneys 9948
transferred or allocated to or received for the purposes of the 9949
fund, shall be credited to such fund and to any separate accounts 9950
therein, subject to applicable provisions of the bond proceedings, 9951
but without necessity for any act of appropriation. During the 9952
period beginning with the date of the first issuance of 9953
obligations and continuing during such time as any such 9954
obligations are outstanding, and so long as moneys in the bond 9955
service fund are insufficient to pay all bond service charges on 9956
such obligations becoming due in each year, a sufficient amount of 9957
moneys of the state are committed and shall be paid to the bond 9958
service fund in each year for the purpose of paying the bond 9959
service charges becoming due in that year without necessity for 9960
further act of appropriation for such purpose. The bond service 9961
fund is a trust fund and is hereby pledged to the payment of bond 9962
service charges to the extent provided in the applicable bond 9963
proceedings, and payment thereof from such fund shall be made or 9964
provided for by the treasurer of state in accordance with such 9965
bond proceedings without necessity for any act of appropriation. 9966
All investment earnings of the fund shall be credited to the fund. 9967

(Q) For purposes of establishing the limitations contained in 9968
Section 15 of Article VIII, Ohio Constitution, the "principal 9969
amount" refers to the aggregate of the offering price of the bonds 9970
or notes. "Principal amount" does not refer to the aggregate value 9971
at maturity or redemption of the bonds or notes. 9972

(R) This section applies only with respect to obligations 9973
issued and delivered prior to September 30, 2000. 9974

Sec. 1555.17. All final actions of the director of the Ohio 9975
coal development office shall be journalized and such journal 9976
shall be open to inspection of the public at all reasonable times. 9977

Any materials or data, to the extent that they consist of trade 9978
secrets, as defined in section 1333.61 of the Revised Code, or 9979
other proprietary information, that are submitted or made 9980
available to, or received by, the ~~director of development~~ Ohio air 9981
quality development authority or the director of the Ohio coal 9982
development office, in connection with agreements for assistance 9983
entered into under this chapter or Chapter ~~1555.~~ 1551. of the 9984
Revised Code, or any information taken from those materials or 9985
data, are not public records for the ~~proposes~~ purposes of section 9986
149.43 of the Revised Code. 9987

Sec. 1563.42. The operator of a mine, before the pillars are 9988
drawn previous to the abandonment of any part of the mine, shall 9989
have a correct map of such part of the mine made, showing its area 9990
and workings to the day of the abandonment and the pillars drawn 9991
previous to abandonment, and file such map within ninety days 9992
after the abandonment of such mine, in the office of the county 9993
recorder of the county where such mine is located, and with the 9994
chief of the division of mineral resources management. Such map 9995
shall have attached the usual certificate of the mining engineer 9996
making it, and the mine foreperson in charge of the underground 9997
workings of the mine, and such operator shall pay to the recorder 9998
for filing such map, a base fee of five dollars for services and a 9999
housing trust fee of five dollars pursuant to section 317.36 of 10000
the Revised Code. 10001

No operator of a mine shall refuse or neglect to comply with 10002
this section. 10003

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 10004
under the general corporation laws of this state, or previous 10005
laws, or under special provisions of the Revised Code, or created 10006
before September 1, 1851, which corporation has expressly or 10007
impliedly elected to be governed by the laws passed since that 10008

date, and whose articles or other documents are filed with the 10009
secretary of state, shall file with the secretary of state a 10010
verified statement of continued existence, signed by a director, 10011
officer, or three members in good standing, setting forth the 10012
corporate name, the place where the principal office of the 10013
corporation is located, the date of incorporation, the fact that 10014
the corporation is still actively engaged in exercising its 10015
corporate privileges, and the name and address of its agent 10016
appointed pursuant to section 1702.06 of the Revised Code. 10017

(B) Each corporation required to file a statement of 10018
continued existence shall file it with the secretary of state 10019
within each five years after the date of incorporation or of the 10020
last corporate filing. 10021

(C) Corporations specifically exempted by division (N) of 10022
section 1702.06 of the Revised Code, or whose activities are 10023
regulated or supervised by another state official, agency, bureau, 10024
department, or commission are exempted from this section. 10025

(D) The secretary of state shall give notice in writing and 10026
provide a form for compliance with this section to each 10027
corporation required by this section to file the statement of 10028
continued existence, such notice and form to be mailed to the last 10029
known address of the corporation as it appears on the records of 10030
the secretary of state or which the secretary of state may 10031
ascertain upon a reasonable search. 10032

(E) If any nonprofit corporation required by this section to 10033
file a statement of continued existence fails to file the 10034
statement required every fifth year, then the secretary of state 10035
shall cancel the articles of such corporation, make a notation of 10036
the cancellation on the records, and mail to the corporation a 10037
certificate of the action so taken. 10038

(F) A corporation whose articles have been canceled may be 10039

reinstated by filing an application for reinstatement and paying 10040
to the secretary of state the fee specified in division (Q) of 10041
section 111.16 of the Revised Code. The name of a corporation 10042
whose articles have been canceled shall be reserved for a period 10043
of one year after the date of cancellation. If the reinstatement 10044
is not made within one year from the date of the cancellation of 10045
its articles of incorporation and it appears that a corporate 10046
name, limited liability company name, limited liability 10047
partnership name, limited partnership name, or trade name has been 10048
filed, the name of which is not distinguishable upon the record as 10049
provided in section 1702.06 of the Revised Code, the applicant for 10050
reinstatement shall be required by the secretary of state, as a 10051
condition prerequisite to such reinstatement, to amend its 10052
articles by changing its name. A certificate of reinstatement may 10053
be filed in the recorder's office of any county in the state, for 10054
which the recorder shall charge and collect a base fee of one 10055
dollar for services and a housing trust fund fee of one dollar 10056
pursuant to section 317.36 of the Revised Code. The rights, 10057
privileges, and franchises of a corporation whose articles have 10058
been reinstated are subject to section 1702.60 of the Revised 10059
Code. 10060

(G) The secretary of state shall furnish the tax commissioner 10061
a list of all corporations failing to file the required statement 10062
of continued existence. 10063

Sec. 2101.16. (A) The fees enumerated in this division shall 10064
be charged and collected, if possible, by the probate judge and 10065
shall be in full for all services rendered in the respective 10066
proceedings: 10067

- (1) Account, in addition to advertising charges \$12.00 10068
 - Waivers and proof of notice of hearing on account, per 10069
 - page, minimum one dollar \$ 1.00 10070
- (2) Account of distribution, in addition to 10071

advertising charges	\$ 7.00	10072
(3) Adoption of child, petition for	\$50.00	10073
(4) Alter or cancel contract for sale or purchase of real estate, petition to	\$20.00	10074 10075
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	\$ 5.00	10076 10077 10078
(6) Appropriation suit, per day, hearing in	\$20.00	10079
(7) Birth, application for registration of	\$ 7.00	10080
(8) Birth record, application to correct	\$ 5.00	10081
(9) Bond, application for new or additional	\$ 5.00	10082
(10) Bond, application for release of surety or reduction of	\$ 5.00	10083 10084
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	10085
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	10086 10087
(13) Citation and issuing citation, application for	\$ 5.00	10088
(14) Change of name, petition for	\$20.00	10089
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$10.00	10090 10091
(16) Claim, application to compromise or settle	\$10.00	10092
(17) Claim, authority to present	\$10.00	10093
(18) Commissioner, appointment of	\$ 5.00	10094
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	10095 10096
(20) Competency, application to procure adjudication of ...	\$20.00	10097
(21) Complete contract, application to	\$10.00	10098
(22) Concealment of assets, citation for	\$10.00	10099
(23) Construction of will, petition for	\$20.00	10100
(24) Continue decedent's business, application to	\$10.00	10101
Monthly reports of operation	\$ 5.00	10102
(25) Declaratory judgment, petition for	\$20.00	10103
(26) Deposit of will	\$ 5.00	10104

(27) Designation of heir	\$20.00	10105
(28) Distribution in kind, application, assent, and order for	\$ 5.00	10106 10107
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	10108 10109
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	10110 10111 10112
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	10113 10114
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	10115 10116
(33) Election of surviving spouse under will	\$ 5.00	10117
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	\$35.00	10118 10119 10120
(35) Foreign will, application to record	\$10.00	10121
Record of foreign will, additional, per page	\$ 1.00	10122
(36) Forms when supplied by the probate court, not to exceed	\$10.00	10123 10124
(37) Heirship, petition to determine	\$20.00	10125
(38) Injunction proceedings	\$20.00	10126
(39) Improve real estate, petition to	\$20.00	10127
(40) Inventory with appraisalment	\$10.00	10128
(41) Inventory without appraisalment	\$ 7.00	10129
(42) Investment or expenditure of funds, application for ..	\$10.00	10130
(43) Invest in real estate, application to	\$10.00	10131
(44) Lease for oil, gas, coal, or other mineral, petition to	\$20.00	10132 10133
(45) Lease or lease and improve real estate, petition to ..	\$20.00	10134
(46) Marriage license	\$10.00	10135
Certified abstract of each marriage	\$ 2.00	10136
(47) Minor or mentally ill person, etc., disposal of estate		10137

	under ten thousand dollars of	\$10.00	10138
(48)	Mortgage or mortgage and repair or improve real estate, petition to	\$20.00	10140
(49)	Newly discovered assets, report of	\$ 7.00	10141
(50)	Nonresident executor or administrator to bar creditors' claims, proceedings by	\$20.00	10143
(51)	Power of attorney or revocation of power, bonding company	\$10.00	10145
(52)	Presumption of death, petition to establish	\$20.00	10146
(53)	Probating will	\$15.00	10147
	Proof of notice to beneficiaries	\$ 5.00	10148
(54)	Purchase personal property, application of surviving spouse to	\$10.00	10150
(55)	Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	10152
(56)	Receipts in addition to advertising charges, application and order to record	\$ 5.00	10154
	Record of those receipts, additional, per page	\$ 1.00	10155
(57)	Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	10157
(58)	Release of estate by mortgagee or other lienholder ...	\$ 5.00	10158
(59)	Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	\$60.00	10162
(60)	Removal of fiduciary, application for	\$10.00	10163
(61)	Requalification of executor or administrator	\$10.00	10164
(62)	Resignation of fiduciary	\$ 5.00	10165
(63)	Sale bill, public sale of personal property	\$10.00	10166
(64)	Sale of personal property and report, application for	\$10.00	10168
(65)	Sale of real estate, petition for	\$25.00	10169
(66)	Terminate guardianship, petition to	\$10.00	10170

(67) Transfer of real estate, application, entry, and certificate for	\$ 7.00	10171 10172
(68) Unclaimed money, application to invest	\$ 7.00	10173
(69) Vacate approval of account or order of distribution, motion to	\$10.00	10174 10175
(70) Writ of execution	\$ 5.00	10176
(71) Writ of possession	\$ 5.00	10177
(72) Wrongful death, application and settlement of claim for	\$20.00	10178 10179
(73) Year's allowance, petition to review	\$ 7.00	10180
(74) Guardian's report, filing and review of	\$ 5.00	10181
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		10182 10183 10184 10185 10186 10187 10188 10189 10190 10191 10192 10193
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		10194 10195 10196 10197 10198 10199 10200 10201 10202

(C) Thirty dollars of the thirty-five-dollar fee collected 10203
pursuant to division (A)(34) of this section and twenty dollars of 10204
the sixty-dollar fee collected pursuant to division (A)(59) of 10205
this section shall be deposited by the county treasurer in the 10206
indigent guardianship fund created pursuant to section 2111.51 of 10207
the Revised Code. 10208

(D) The fees of witnesses, jurors, sheriffs, coroners, and 10209
constables for services rendered in the probate court or by order 10210
of the probate judge shall be the same as provided for like 10211
services in the court of common pleas. 10212

(E) The probate court, by rule, may require an advance 10213
deposit for costs, not to exceed one hundred twenty-five dollars, 10214
at the time application is made for an appointment as executor or 10215
administrator or at the time a will is presented for probate. 10216

(F) The probate court, by rule, shall establish a reasonable 10217
fee, not to exceed fifty dollars, for the filing of a petition for 10218
the release of information regarding an adopted person's name by 10219
birth and the identity of the adopted person's biological parents 10220
and biological siblings pursuant to section 3107.41 of the Revised 10221
Code, all proceedings relative to the petition, the entry of an 10222
order relative to the petition, and all services required to be 10223
performed in connection with the petition. The probate court may 10224
use a reasonable portion of a fee charged under authority of this 10225
division to reimburse any agency, as defined in section 3107.39 of 10226
the Revised Code, for any services it renders in performing a task 10227
described in section 3107.41 of the Revised Code relative to or in 10228
connection with the petition for which the fee was charged. 10229

(G)(1) Thirty dollars of the fifty-dollar fee collected 10230
pursuant to division (A)(3) of this section shall be deposited 10231
into the "putative father registry fund," which is hereby created 10232
in the state treasury. The department of job and family services 10233

shall use the money in the fund to fund the department's costs of 10234
performing its duties related to the putative father registry 10235
established under section 3107.062 of the Revised Code. 10236

(2) If the department determines that money in the putative 10237
father registry fund is more than is needed for its duties related 10238
to the putative father registry, the department may use the 10239
surplus moneys in the fund as permitted in division (C) of section 10240
2151.3529, division (B) of section 2151.3530, or section 5103.155 10241
of the Revised Code. 10242

Sec. 2113.041. (A) The administrator of the estate recovery 10243
program established pursuant to section 5111.11 of the Revised 10244
Code may present an affidavit to a financial institution 10245
requesting that the financial institution release account proceeds 10246
to recover the cost of services correctly provided to a medicaid 10247
recipient. The affidavit shall include all of the following 10248
information: 10249

(1) The name of the decedent; 10250

(2) The name of any person who gave notice that the decedent 10251
was a medicaid recipient and that person's relationship to the 10252
decedent; 10253

(3) The name of the financial institution; 10254

(4) The account number; 10255

(5) A description of the claim for estate recovery; 10256

(6) The amount of funds to be recovered. 10257

(B) A financial institution may release account proceeds to 10258
the administrator of the estate recovery program if all of the 10259
following apply: 10260

(1) The decedent held an account at the financial institution 10261
that was in the decedent's name only. 10262

(2) No estate has been, and it is reasonable to assume that 10263
no estate will be, opened for the decedent. 10264

(3) The decedent has no outstanding debts known to the 10265
administrator of the estate recovery program. 10266

(4) The financial institution has received no objections or 10267
has determined that no valid objections to release of proceeds 10268
have been received. 10269

(C) If proceeds have been released pursuant to division (B) 10270
of this section and the department of job and family services 10271
receives notice of a valid claim to the proceeds that has a higher 10272
priority under section 2117.25 of the Revised Code than the claim 10273
of the estate recovery program, the department may refund the 10274
proceeds to the financial institution or pay them to the person or 10275
government entity with the claim. 10276

Sec. 2117.06. (A) All creditors having claims against an 10277
estate, including claims arising out of contract, out of tort, on 10278
cognovit notes, or on judgments, whether due or not due, secured 10279
or unsecured, liquidated or unliquidated, shall present their 10280
claims in one of the following manners: 10281

(1) To the executor or administrator in a writing; 10282

(2) To the executor or administrator in a writing, and to the 10283
probate court by filing a copy of the writing with it; 10284

(3) In a writing that is sent by ordinary mail addressed to 10285
the decedent and that is actually received by the executor or 10286
administrator within the appropriate time specified in division 10287
(B) of this section. For purposes of this division, if an executor 10288
or administrator is not a natural person, the writing shall be 10289
considered as being actually received by the executor or 10290
administrator only if the person charged with the primary 10291
responsibility of administering the estate of the decedent 10292

actually receives the writing within the appropriate time 10293
specified in division (B) of this section. 10294

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 10295
Code, all claims shall be presented within one year after the 10296
death of the decedent, whether or not the estate is released from 10297
administration or an executor or administrator is appointed during 10298
that one-year period. Every claim presented shall set forth the 10299
claimant's address. 10300

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 10301
Code, a claim that is not presented within one year after the 10302
death of the decedent shall be forever barred as to all parties, 10303
including, but not limited to, devisees, legatees, and 10304
distributees. No payment shall be made on the claim and no action 10305
shall be maintained on the claim, except as otherwise provided in 10306
sections 2117.37 to 2117.42 of the Revised Code with reference to 10307
contingent claims. 10308

(D) In the absence of any prior demand for allowance, the 10309
executor or administrator shall allow or reject all claims, except 10310
tax assessment claims, within thirty days after their 10311
presentation, provided that failure of the executor or 10312
administrator to allow or reject within that time shall not 10313
prevent the executor or administrator from doing so after that 10314
time and shall not prejudice the rights of any claimant. Upon the 10315
allowance of a claim, the executor or the administrator, on demand 10316
of the creditor, shall furnish the creditor with a written 10317
statement or memorandum of the fact and date of the allowance. 10318

(E) If the executor or administrator has actual knowledge of 10319
a pending action commenced against the decedent prior to the 10320
decedent's death in a court of record in this state, the executor 10321
or administrator shall file a notice of the appointment of the 10322
executor or administrator in the pending action within ten days 10323
after acquiring that knowledge. If the administrator or executor 10324

is not a natural person, actual knowledge of a pending suit 10325
against the decedent shall be limited to the actual knowledge of 10326
the person charged with the primary responsibility of 10327
administering the estate of the decedent. Failure to file the 10328
notice within the ten-day period does not extend the claim period 10329
established by this section. 10330

(F) This section applies to any person who is required to 10331
give written notice to the executor or administrator of a motion 10332
or application to revive an action pending against the decedent at 10333
the date of the death of the decedent. 10334

(G) Nothing in this section or in section 2117.07 of the 10335
Revised Code shall be construed to reduce the time mentioned in 10336
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 10337
of the Revised Code, provided that no portion of any recovery on a 10338
claim brought pursuant to any of those sections shall come from 10339
the assets of an estate unless the claim has been presented 10340
against the estate in accordance with Chapter 2117. of the Revised 10341
Code. 10342

(H) Any person whose claim has been presented and has not 10343
been rejected after presentment is a creditor as that term is used 10344
in Chapters 2113. to 2125. of the Revised Code. Claims that are 10345
contingent need not be presented except as provided in sections 10346
2117.37 to 2117.42 of the Revised Code, but, whether presented 10347
pursuant to those sections or this section, contingent claims may 10348
be presented in any of the manners described in division (A) of 10349
this section. 10350

(I) If a creditor presents a claim against an estate in 10351
accordance with division (A)(2) of this section, the probate court 10352
shall not close the administration of the estate until that claim 10353
is allowed or rejected. 10354

(J) The probate court shall not require an executor or 10355

administrator to make and return into the court a schedule of 10356
claims against the estate. 10357

(K) If the executor or administrator makes a distribution of 10358
the assets of the estate prior to the expiration of the time for 10359
the filing of claims as set forth in this section, the executor or 10360
administrator shall provide notice on the account delivered to 10361
each distributee that the distributee may be liable to the estate 10362
up to the value of the distribution and may be required to return 10363
all or any part of the value of the distribution if a valid claim 10364
is subsequently made against the estate within the time permitted 10365
under this section. 10366

Sec. 2117.061. (A) As used in this section, "person 10367
responsible for the estate" means the executor, administrator, 10368
commissioner, or person who filed pursuant to section 2113.03 of 10369
the Revised Code for release from administration of an estate. 10370

(B) If the decedent was fifty-five years of age or older at 10371
the time of death, the person responsible for an estate shall 10372
determine whether the decedent was a recipient of medical 10373
assistance under Chapter 5111. of the Revised Code. If the 10374
decedent was a recipient, the person responsible for the estate 10375
shall give written notice to that effect to the administrator of 10376
the estate recovery program instituted under section 5111.11 of 10377
the Revised Code not later than thirty days after the occurrence 10378
of any of the following: 10379

(1) The granting of letters testamentary; 10380

(2) The administration of the estate; 10381

(3) The filing of an application for release from 10382
administration or summary release from administration. 10383

(C) The person responsible for an estate shall mark the 10384
appropriate box on the appropriate probate form to indicate 10385

compliance with the requirements of division (B) of this section. 10386

(D) The estate recovery program administrator shall present a 10387
claim for estate recovery to the person responsible for the estate 10388
or the person's legal representative not later than ninety days 10389
after the date on which notice is received under division (B) of 10390
this section or one year after the decedent's death, whichever is 10391
later. 10392

Sec. 2117.25. (A) Every executor or administrator shall 10393
proceed with diligence to pay the debts of the decedent and shall 10394
apply the assets in the following order: 10395

(1) Costs and expenses of administration; 10396

(2) An amount, not exceeding two thousand dollars, for 10397
funeral expenses that are included in the bill of a funeral 10398
director, funeral expenses other than those in the bill of a 10399
funeral director that are approved by the probate court, and an 10400
amount, not exceeding two thousand dollars, for burial and 10401
cemetery expenses, including that portion of the funeral 10402
director's bill allocated to cemetery expenses that have been paid 10403
to the cemetery by the funeral director. 10404

For purposes of this division, burial and cemetery expenses 10405
shall be limited to the following: 10406

(a) The purchase of a place of interment; 10407

(b) Monuments or other markers; 10408

(c) The outer burial container; 10409

(d) The cost of opening and closing the place of interment; 10410

(e) The urn. 10411

(3) The allowance for support made to the surviving spouse, 10412
minor children, or both under section 2106.13 of the Revised Code; 10413

(4) Debts entitled to a preference under the laws of the 10414

United States;	10415
(5) Expenses of the last sickness of the decedent;	10416
(6) If the total bill of a funeral director for funeral expenses exceeds two thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding one thousand dollars, for funeral expenses that are included in the bill and that exceed two thousand dollars;	10417 10418 10419 10420 10421
(7) Personal property taxes, <u>claims made under the estate recovery program instituted pursuant to section 5111.11 of the Revised Code</u> , and obligations for which the decedent was personally liable to the state or any of its subdivisions;	10422 10423 10424 10425
(8) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;	10426 10427 10428
(9) Other debts for which claims have been presented and finally allowed.	10429 10430
(B) The part of the bill of a funeral director that exceeds the total of three thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(8) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(9) of this section, depending upon the time when the claim for the additional amount is presented.	10431 10432 10433 10434 10435 10436 10437
(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for that amount in accordance with the priority of payments set forth in that division.	10438 10439 10440 10441 10442 10443
(D)(1) Chapters 2113. to 2125. of the Revised Code, relating	10444

to the manner in which and the time within which claims shall be 10445
presented, shall apply to claims set forth in divisions (A)(2), 10446
(6), and (8) of this section. Claims for an expense of 10447
administration or for the allowance for support need not be 10448
presented. The executor or administrator shall pay debts included 10449
in divisions (A)(4) and (7) of this section, of which the executor 10450
or administrator has knowledge, regardless of presentation. 10451

(2) The giving of written notice to an executor or 10452
administrator of a motion or application to revive an action 10453
pending against the decedent at the date of death shall be 10454
equivalent to the presentation of a claim to the executor or 10455
administrator for the purpose of determining the order of payment 10456
of any judgment rendered or decree entered in such an action. 10457

(E) No payments shall be made to creditors of one class until 10458
all those of the preceding class are fully paid or provided for. 10459
If the assets are insufficient to pay all the claims of one class, 10460
the creditors of that class shall be paid ratably. 10461

(F) If it appears at any time that the assets have been 10462
exhausted in paying prior or preferred charges, allowances, or 10463
claims, those payments shall be a bar to an action on any claim 10464
not entitled to that priority or preference. 10465

Sec. 2151.3529. (A) The director of job and family services 10466
shall promulgate forms designed to gather pertinent medical 10467
information concerning a deserted child and the child's parents. 10468
The forms shall clearly and unambiguously state on each page that 10469
the information requested is to facilitate medical care for the 10470
child, that the forms may be fully or partially completed or left 10471
blank, that completing the forms or parts of the forms is 10472
completely voluntary, and that no adverse legal consequence will 10473
result from failure to complete any part of the forms. 10474

(B) The director shall promulgate written materials to be 10475

given to the parents of a child delivered pursuant to section 10476
2151.3516 of the Revised Code. The materials shall describe 10477
services available to assist parents and newborns and shall 10478
include information directly relevant to situations that might 10479
cause parents to desert a child and information on the procedures 10480
for a person to follow in order to reunite with a child the person 10481
delivered under section 2151.3516 of the Revised Code, including 10482
notice that the person will be required to submit to a DNA test, 10483
at that person's expense, to prove that the person is the parent 10484
of the child. 10485

(C) If the department of job and family services determines 10486
that money in the putative father registry fund created under 10487
section 2101.16 of the Revised Code is more than is needed for its 10488
duties related to the putative father registry, the department may 10489
use surplus moneys in the fund for costs related to the 10490
development and publication of forms and materials promulgated 10491
pursuant to divisions (A) and (B) of this section. 10492

Sec. 2151.3530. (A) The director of job and family services 10493
shall distribute the medical information forms and written 10494
materials promulgated under section 2151.3529 of the Revised Code 10495
to entities permitted to receive a deserted child, to public 10496
children services agencies, and to other public or private 10497
agencies that, in the discretion of the director, are best able to 10498
disseminate the forms and materials to the persons who are most in 10499
need of the forms and materials. 10500

(B) If the department of job and family services determines 10501
that money in the putative father registry fund created under 10502
section 2101.16 of the Revised Code is more than is needed to 10503
perform its duties related to the putative father registry, the 10504
department may use surplus moneys in the fund for costs related to 10505
the distribution of forms and materials pursuant to this section. 10506

Sec. 2151.83. (A) A public children services agency or 10507
private child placing agency, on the request of a young adult, 10508
shall enter into a jointly prepared written agreement with the 10509
young adult that obligates the agency to ensure that independent 10510
living services are provided to the young adult and sets forth the 10511
responsibilities of the young adult regarding the services. The 10512
agreement shall be developed based on the young adult's strengths, 10513
needs, and circumstances ~~and the availability of funds provided~~ 10514
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 10515
shall be designed to promote the young adult's successful 10516
transition to independent adult living and emotional and economic 10517
self-sufficiency. 10518

(B) If the young adult appears to be eligible for services 10519
from one or more of the following entities, the agency must 10520
contact the appropriate entity to determine eligibility: 10521

(1) An entity, other than the agency, that is represented on 10522
a county family and children first council established pursuant to 10523
section 121.37 of the Revised Code. If the entity is a board of 10524
alcohol, drug addiction, and mental health services, an alcohol 10525
and drug addiction services board, or a community mental health 10526
board, the agency shall contact the provider of alcohol, drug 10527
addiction, or mental health services that has been designated by 10528
the board to determine the young adult's eligibility for services. 10529

(2) The rehabilitation services commission; 10530

(3) A metropolitan housing authority established pursuant to 10531
section 3735.27 of the Revised Code. 10532

If an entity described in this division determines that the 10533
young adult qualifies for services from the entity, that entity, 10534
the young adult, and the agency to which the young adult made the 10535
request for independent living services shall enter into a written 10536

addendum to the jointly prepared agreement entered into under 10537
division (A) of this section. The addendum shall indicate how 10538
services under the agreement and addendum are to be coordinated 10539
and allocate the service responsibilities among the entities and 10540
agency that signed the addendum. 10541

Sec. 2151.84. The department of job and family services shall 10542
establish model agreements that may be used by public children 10543
services agencies and private child placing agencies required to 10544
provide services under an agreement with a young adult pursuant to 10545
section 2151.83 of the Revised Code. The model agreements shall 10546
include provisions describing the specific independent living 10547
services to be provided ~~to the extent funds are provided pursuant~~ 10548
~~to this section~~, the duration of the services and the agreement, 10549
the duties and responsibilities of each party under the agreement, 10550
and grievance procedures regarding disputes that arise regarding 10551
the agreement or services provided under it. 10552

~~To facilitate the provision of independent living services,~~ 10553
~~the department shall provide funds to meet the requirement of~~ 10554
~~state matching funds needed to qualify for federal funds under the~~ 10555
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 10556
~~U.S.C. 677, as amended. The department shall seek controlling~~ 10557
~~board approval of any fund transfers necessary to meet this~~ 10558
~~requirement.~~ 10559

Sec. 2152.74. (A) As used in this section, "DNA analysis" and 10560
"DNA specimen" have the same meanings as in section 109.573 of the 10561
Revised Code. 10562

(B)(1) A child who is adjudicated a delinquent child for 10563
committing an act listed in division (D) of this section and who 10564
is committed to the custody of the department of youth services, 10565
placed in a detention facility or district detention facility 10566

pursuant to division (A)(3) of section 2152.19 of the Revised Code, or placed in a school, camp, institution, or other facility for delinquent children described in division (A)(2) of section 2152.19 of the Revised Code shall submit to a DNA specimen collection procedure administered by the director of youth services if committed to the department or by the chief administrative officer of the detention facility, district detention facility, school, camp, institution, or other facility for delinquent children to which the child was committed or in which the child was placed. If the court commits the child to the department of youth services, the director of youth services shall cause the DNA specimen to be collected from the child during the intake process at an institution operated by or under the control of the department. If the court commits the child to or places the child in a detention facility, district detention facility, school, camp, institution, or other facility for delinquent children, the chief administrative officer of the detention facility, district detention facility, school, camp, institution, or facility to which the child is committed or in which the child is placed shall cause the DNA specimen to be collected from the child during the intake process for the detention facility, district detention facility, school, camp, institution, or facility. In accordance with division (C) of this section, the director or the chief administrative officer shall cause the DNA specimen to be forwarded to the bureau of criminal identification and investigation no later than fifteen days after the date of the collection of the DNA specimen. The DNA specimen shall be collected from the child in accordance with division (C) of this section.

(2) If a child is adjudicated a delinquent child for committing an act listed in division (D) of this section, is committed to or placed in the department of youth services, a detention facility or district detention facility, or a school,

camp, institution, or other facility for delinquent children, and 10600
does not submit to a DNA specimen collection procedure pursuant to 10601
division (B)(1) of this section, prior to the child's release from 10602
the custody of the department of youth services, from the custody 10603
of the detention facility or district detention facility, or from 10604
the custody of the school, camp, institution, or facility, the 10605
child shall submit to, and the director of youth services or the 10606
chief administrator of the detention facility, district detention 10607
facility, school, camp, institution, or facility to which the 10608
child is committed or in which the child was placed shall 10609
administer, a DNA specimen collection procedure at the institution 10610
operated by or under the control of the department of youth 10611
services or at the detention facility, district detention 10612
facility, school, camp, institution, or facility to which the 10613
child is committed or in which the child was placed. In accordance 10614
with division (C) of this section, the director or the chief 10615
administrative officer shall cause the DNA specimen to be 10616
forwarded to the bureau of criminal identification and 10617
investigation no later than fifteen days after the date of the 10618
collection of the DNA specimen. The DNA specimen shall be 10619
collected in accordance with division (C) of this section. 10620

(C) If the DNA specimen is collected by withdrawing blood 10621
from the child or a similarly invasive procedure, a physician, 10622
registered nurse, licensed practical nurse, duly licensed clinical 10623
laboratory technician, or other qualified medical practitioner 10624
shall collect in a medically approved manner the DNA specimen 10625
required to be collected pursuant to division (B) of this section. 10626
If the DNA specimen is collected by swabbing for buccal cells or a 10627
similarly noninvasive procedure, this section does not require 10628
that the DNA specimen be collected by a qualified medical 10629
practitioner of that nature. No later than fifteen days after the 10630
date of the collection of the DNA specimen, the director of youth 10631
services or the chief administrative officer of the detention 10632

facility, district detention facility, school, camp, institution, 10633
or other facility for delinquent children to which the child is 10634
committed or in which the child was placed shall cause the DNA 10635
specimen to be forwarded to the bureau of criminal identification 10636
and investigation in accordance with procedures established by the 10637
superintendent of the bureau under division (H) of section 109.573 10638
of the Revised Code. The bureau shall provide the specimen vials, 10639
mailing tubes, labels, postage, and instruction needed for the 10640
collection and forwarding of the DNA specimen to the bureau. 10641

(D) The director of youth services and the chief 10642
administrative officer of a detention facility, district detention 10643
facility, school, camp, institution, or other facility for 10644
delinquent children shall cause a DNA specimen to be collected in 10645
accordance with divisions (B) and (C) of this section from each 10646
child in its custody who is adjudicated a delinquent child for 10647
committing any of the following acts: 10648

(1) A violation of section 2903.01, 2903.02, 2903.11, 10649
2905.01, 2907.02, 2907.03, 2907.05, 2911.01, 2911.02, 2911.11, or 10650
2911.12 of the Revised Code; 10651

(2) A violation of section 2907.12 of the Revised Code as it 10652
existed prior to September 3, 1996; 10653

(3) An attempt to commit a violation of section 2903.01, 10654
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or to 10655
commit a violation of section 2907.12 of the Revised Code as it 10656
existed prior to September 3, 1996; 10657

(4) A violation of any law that arose out of the same facts 10658
and circumstances and same act as did a charge against the child 10659
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 10660
2907.03, 2907.05, or 2911.11 of the Revised Code that previously 10661
was dismissed or amended or as did a charge against the child of a 10662
violation of section 2907.12 of the Revised Code as it existed 10663

prior to September 3, 1996, that previously was dismissed or 10664
amended; 10665

(5) A violation of section 2905.02 or 2919.23 of the Revised 10666
Code that would have been a violation of section 2905.04 of the 10667
Revised Code as it existed prior to July 1, 1996, had the 10668
violation been committed prior to that date; 10669

(6) A felony violation of any law that arose out of the same 10670
facts and circumstances and same act as did a charge against the 10671
child of a violation of section 2903.11, 2911.01, 2911.02, or 10672
2911.12 of the Revised Code that previously was dismissed or 10673
amended; 10674

(7) A violation of section 2923.01 of the Revised Code 10675
involving a conspiracy to commit a violation of section 2903.01, 10676
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 10677
Revised Code; 10678

(8) A violation of section 2923.03 of the Revised Code 10679
involving complicity in committing a violation of section 2903.01, 10680
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 10681
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 10682
violation of section 2907.12 of the Revised Code as it existed 10683
prior to September 3, 1996. 10684

(E) The director of youth services and the chief 10685
administrative officer of a detention facility, district detention 10686
facility, school, camp, institution, or other facility for 10687
delinquent children is not required to comply with this section in 10688
relation to the following acts until the superintendent of the 10689
bureau of criminal identification and investigation gives agencies 10690
in the juvenile justice system, as defined in section ~~181.51~~ 10691
109.98 of the Revised Code, in the state official notification 10692
that the state DNA laboratory is prepared to accept DNA specimens 10693
of that nature: 10694

(1) A violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code;	10695 10696
(2) An attempt to commit a violation of section 2903.01 or 2903.02 of the Revised Code;	10697 10698
(3) A felony violation of any law that arose out of the same facts and circumstances and same act as did a charge against the child of a violation of section 2903.11, 2911.01, 2911.02, or 2911.12 of the Revised Code that previously was dismissed or amended;	10699 10700 10701 10702 10703
(4) A violation of section 2923.01 of the Revised Code involving a conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;	10704 10705 10706 10707
(5) A violation of section 2923.03 of the Revised Code involving complicity in committing a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	10708 10709 10710 10711 10712 10713
Sec. 2305.234. (A) As used in this section:	10714
(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code.	10715 10716 10717
(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation.	10718 10719 10720 10721
(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.	10722 10723

(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	10724 10725 10726
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	10727 10728 10729
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	10730 10731
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	10732 10733
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	10734 10735
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	10736 10737
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	10738 10739
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	10740 10741
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	10742 10743
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	10744 10745
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	10746 10747
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	10748 10749 10750 10751
(5) "Health care worker" means a person other than a health	10752

care professional who provides medical, dental, or other 10753
health-related care or treatment under the direction of a health 10754
care professional with the authority to direct that individual's 10755
activities, including medical technicians, medical assistants, 10756
dental assistants, orderlies, aides, and individuals acting in 10757
similar capacities. 10758

(6) "Indigent and uninsured person" means a person who meets 10759
all of the following requirements: 10760

(a) The person's income is not greater than one hundred fifty 10761
per cent of the current poverty line as defined by the United 10762
States office of management and budget and revised in accordance 10763
with section 673(2) of the "Omnibus Budget Reconciliation Act of 10764
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 10765

(b) The person is not eligible to receive medical assistance 10766
under Chapter 5111., disability ~~assistance~~ medical assistance 10767
under Chapter 5115. of the Revised Code, or assistance under any 10768
other governmental health care program. 10769

(c) Either of the following applies: 10770

(i) The person is not a policyholder, certificate holder, 10771
insured, contract holder, subscriber, enrollee, member, 10772
beneficiary, or other covered individual under a health insurance 10773
or health care policy, contract, or plan. 10774

(ii) The person is a policyholder, certificate holder, 10775
insured, contract holder, subscriber, enrollee, member, 10776
beneficiary, or other covered individual under a health insurance 10777
or health care policy, contract, or plan, but the insurer, policy, 10778
contract, or plan denies coverage or is the subject of insolvency 10779
or bankruptcy proceedings in any jurisdiction. 10780

(7) "Operation" means any procedure that involves cutting or 10781
otherwise infiltrating human tissue by mechanical means, including 10782
surgery, laser surgery, ionizing radiation, therapeutic 10783

ultrasound, or the removal of intraocular foreign bodies. 10784
"Operation" does not include the administration of medication by 10785
injection, unless the injection is administered in conjunction 10786
with a procedure infiltrating human tissue by mechanical means 10787
other than the administration of medicine by injection. 10788

(8) "Nonprofit shelter or health care facility" means a 10789
charitable nonprofit corporation organized and operated pursuant 10790
to Chapter 1702. of the Revised Code, or any charitable 10791
organization not organized and not operated for profit, that 10792
provides shelter, health care services, or shelter and health care 10793
services to indigent and uninsured persons, except that "shelter 10794
or health care facility" does not include a hospital as defined in 10795
section 3727.01 of the Revised Code, a facility licensed under 10796
Chapter 3721. of the Revised Code, or a medical facility that is 10797
operated for profit. 10798

(9) "Tort action" means a civil action for damages for 10799
injury, death, or loss to person or property other than a civil 10800
action for damages for a breach of contract or another agreement 10801
between persons or government entities. 10802

(10) "Volunteer" means an individual who provides any 10803
medical, dental, or other health-care related diagnosis, care, or 10804
treatment without the expectation of receiving and without receipt 10805
of any compensation or other form of remuneration from an indigent 10806
and uninsured person, another person on behalf of an indigent and 10807
uninsured person, any shelter or health care facility, or any 10808
other person or government entity. 10809

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 10810
health care professional who is a volunteer and complies with 10811
division (B)(2) of this section is not liable in damages to any 10812
person or government entity in a tort or other civil action, 10813
including an action on a medical, dental, chiropractic, 10814
optometric, or other health-related claim, for injury, death, or 10815

loss to person or property that allegedly arises from an action or 10816
omission of the volunteer in the provision at a nonprofit shelter 10817
or health care facility to an indigent and uninsured person of 10818
medical, dental, or other health-related diagnosis, care, or 10819
treatment, including the provision of samples of medicine and 10820
other medical products, unless the action or omission constitutes 10821
willful or wanton misconduct. 10822

(2) To qualify for the immunity described in division (B)(1) 10823
of this section, a health care professional shall do all of the 10824
following prior to providing diagnosis, care, or treatment: 10825

(a) Determine, in good faith, that the indigent and uninsured 10826
person is mentally capable of giving informed consent to the 10827
provision of the diagnosis, care, or treatment and is not subject 10828
to duress or under undue influence; 10829

(b) Inform the person of the provisions of this section; 10830

(c) Obtain the informed consent of the person and a written 10831
waiver, signed by the person or by another individual on behalf of 10832
and in the presence of the person, that states that the person is 10833
mentally competent to give informed consent and, without being 10834
subject to duress or under undue influence, gives informed consent 10835
to the provision of the diagnosis, care, or treatment subject to 10836
the provisions of this section. 10837

(3) A physician or podiatrist who is not covered by medical 10838
malpractice insurance, but complies with division (B)(2) of this 10839
section, is not required to comply with division (A) of section 10840
4731.143 of the Revised Code. 10841

(C) Subject to divisions (E) and (F)(3) of this section, 10842
health care workers who are volunteers are not liable in damages 10843
to any person or government entity in a tort or other civil 10844
action, including an action upon a medical, dental, chiropractic, 10845
optometric, or other health-related claim, for injury, death, or 10846

loss to person or property that allegedly arises from an action or 10847
omission of the health care worker in the provision at a nonprofit 10848
shelter or health care facility to an indigent and uninsured 10849
person of medical, dental, or other health-related diagnosis, 10850
care, or treatment, unless the action or omission constitutes 10851
willful or wanton misconduct. 10852

(D) Subject to divisions (E) and (F)(3) of this section and 10853
section 3701.071 of the Revised Code, a nonprofit shelter or 10854
health care facility associated with a health care professional 10855
described in division (B)(1) of this section or a health care 10856
worker described in division (C) of this section is not liable in 10857
damages to any person or government entity in a tort or other 10858
civil action, including an action on a medical, dental, 10859
chiropractic, optometric, or other health-related claim, for 10860
injury, death, or loss to person or property that allegedly arises 10861
from an action or omission of the health care professional or 10862
worker in providing for the shelter or facility medical, dental, 10863
or other health-related diagnosis, care, or treatment to an 10864
indigent and uninsured person, unless the action or omission 10865
constitutes willful or wanton misconduct. 10866

(E)(1) Except as provided in division (E)(2) of this section, 10867
the immunities provided by divisions (B), (C), and (D) of this 10868
section are not available to an individual or to a nonprofit 10869
shelter or health care facility if, at the time of an alleged 10870
injury, death, or loss to person or property, the individuals 10871
involved are providing one of the following: 10872

(a) Any medical, dental, or other health-related diagnosis, 10873
care, or treatment pursuant to a community service work order 10874
entered by a court under division (F) of section 2951.02 of the 10875
Revised Code as a condition of probation or other suspension of a 10876
term of imprisonment or imposed by a court as a community control 10877
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 10878

Code.	10879
(b) Performance of an operation.	10880
(c) Delivery of a baby.	10881
(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	10882 10883 10884 10885 10886
(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.	10887 10888 10889
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.	10890 10891 10892 10893 10894 10895
(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.	10896 10897 10898 10899
(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.	10900 10901 10902 10903
(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation,	10904 10905 10906 10907 10908

health, fire, zoning, or safety. 10909

Sec. 2329.07. If neither execution on a judgment rendered in 10910
a court of record or certified to the clerk of the court of common 10911
pleas in the county in which the judgment was rendered is issued, 10912
nor a certificate of judgment for obtaining a lien upon lands and 10913
tenements is issued and filed, as provided in sections 2329.02 and 10914
2329.04 of the Revised Code, within five years from the date of 10915
the judgment or within five years from the date of the issuance of 10916
the last execution thereon or the issuance and filing of the last 10917
such certificate, whichever is later, then, unless the judgment is 10918
in favor of the state, the judgment shall be dormant and shall not 10919
operate as a lien upon the estate of the judgment debtor. 10920

If the judgment is in favor of the state, the judgment shall 10921
not become dormant and shall not cease to operate as a lien 10922
against the estate of the judgment debtor ~~unless neither such~~ 10923
~~provided that either~~ execution on the judgment is issued ~~nor such~~ 10924
~~or~~ a certificate of judgment is issued and filed, as provided in 10925
sections 2329.02 and 2329.04 of the Revised Code, within ten years 10926
from the date of the judgment ~~or within ten years from the date of~~ 10927
~~the issuance of the last execution thereon or the issuance and~~ 10928
~~filing of the last such certificate, whichever is later.~~ 10929

If, in any county other than that in which a judgment was 10930
rendered, the judgment has become a lien by reason of the filing, 10931
in the office of the clerk of the court of common pleas of that 10932
county, of a certificate of the judgment as provided in sections 10933
2329.02 and 2329.04 of the Revised Code, and if no execution is 10934
issued for the enforcement of the judgment within that county, or 10935
no further certificate of the judgment is filed in that county, 10936
within five years ~~or, if the judgment is in favor of the state,~~ 10937
~~within ten years~~ from the date of issuance of the last execution 10938
for the enforcement of the judgment within that county or the date 10939

of filing of the last certificate in that county, whichever is the 10940
later, then the judgment shall cease to operate as a lien upon 10941
lands and tenements of the judgment debtor within that county, 10942
unless the judgment is in favor of the state, in which case the 10943
judgment shall not become dormant. 10944

~~This section applies to judgments in favor of the state.~~ 10945

Sec. 2329.66. (A) Every person who is domiciled in this state 10946
may hold property exempt from execution, garnishment, attachment, 10947
or sale to satisfy a judgment or order, as follows: 10948

(1)(a) In the case of a judgment or order regarding money 10949
owed for health care services rendered or health care supplies 10950
provided to the person or a dependent of the person, one parcel or 10951
item of real or personal property that the person or a dependent 10952
of the person uses as a residence. Division (A)(1)(a) of this 10953
section does not preclude, affect, or invalidate the creation 10954
under this chapter of a judgment lien upon the exempted property 10955
but only delays the enforcement of the lien until the property is 10956
sold or otherwise transferred by the owner or in accordance with 10957
other applicable laws to a person or entity other than the 10958
surviving spouse or surviving minor children of the judgment 10959
debtor. Every person who is domiciled in this state may hold 10960
exempt from a judgment lien created pursuant to division (A)(1)(a) 10961
of this section the person's interest, not to exceed five thousand 10962
dollars, in the exempted property. 10963

(b) In the case of all other judgments and orders, the 10964
person's interest, not to exceed five thousand dollars, in one 10965
parcel or item of real or personal property that the person or a 10966
dependent of the person uses as a residence. 10967

(2) The person's interest, not to exceed one thousand 10968
dollars, in one motor vehicle; 10969

(3) The person's interest, not to exceed two hundred dollars 10970
in any particular item, in wearing apparel, beds, and bedding, and 10971
the person's interest, not to exceed three hundred dollars in each 10972
item, in one cooking unit and one refrigerator or other food 10973
preservation unit; 10974

(4)(a) The person's interest, not to exceed four hundred 10975
dollars, in cash on hand, money due and payable, money to become 10976
due within ninety days, tax refunds, and money on deposit with a 10977
bank, savings and loan association, credit union, public utility, 10978
landlord, or other person. Division (A)(4)(a) of this section 10979
applies only in bankruptcy proceedings. This exemption may include 10980
the portion of personal earnings that is not exempt under division 10981
(A)(13) of this section. 10982

(b) Subject to division (A)(4)(d) of this section, the 10983
person's interest, not to exceed two hundred dollars in any 10984
particular item, in household furnishings, household goods, 10985
appliances, books, animals, crops, musical instruments, firearms, 10986
and hunting and fishing equipment, that are held primarily for the 10987
personal, family, or household use of the person; 10988

(c) Subject to division (A)(4)(d) of this section, the 10989
person's interest in one or more items of jewelry, not to exceed 10990
four hundred dollars in one item of jewelry and not to exceed two 10991
hundred dollars in every other item of jewelry; 10992

(d) Divisions (A)(4)(b) and (c) of this section do not 10993
include items of personal property listed in division (A)(3) of 10994
this section. 10995

If the person does not claim an exemption under division 10996
(A)(1) of this section, the total exemption claimed under division 10997
(A)(4)(b) of this section shall be added to the total exemption 10998
claimed under division (A)(4)(c) of this section, and the total 10999
shall not exceed two thousand dollars. If the person claims an 11000

exemption under division (A)(1) of this section, the total 11001
exemption claimed under division (A)(4)(b) of this section shall 11002
be added to the total exemption claimed under division (A)(4)(c) 11003
of this section, and the total shall not exceed one thousand five 11004
hundred dollars. 11005

(5) The person's interest, not to exceed an aggregate of 11006
seven hundred fifty dollars, in all implements, professional 11007
books, or tools of the person's profession, trade, or business, 11008
including agriculture; 11009

(6)(a) The person's interest in a beneficiary fund set apart, 11010
appropriated, or paid by a benevolent association or society, as 11011
exempted by section 2329.63 of the Revised Code; 11012

(b) The person's interest in contracts of life or endowment 11013
insurance or annuities, as exempted by section 3911.10 of the 11014
Revised Code; 11015

(c) The person's interest in a policy of group insurance or 11016
the proceeds of a policy of group insurance, as exempted by 11017
section 3917.05 of the Revised Code; 11018

(d) The person's interest in money, benefits, charity, 11019
relief, or aid to be paid, provided, or rendered by a fraternal 11020
benefit society, as exempted by section 3921.18 of the Revised 11021
Code; 11022

(e) The person's interest in the portion of benefits under 11023
policies of sickness and accident insurance and in lump sum 11024
payments for dismemberment and other losses insured under those 11025
policies, as exempted by section 3923.19 of the Revised Code. 11026

(7) The person's professionally prescribed or medically 11027
necessary health aids; 11028

(8) The person's interest in a burial lot, including, but not 11029
limited to, exemptions under section 517.09 or 1721.07 of the 11030

Revised Code;	11031
(9) The person's interest in the following:	11032
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	11033 11034
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	11035 11036
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	11037 11038
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	11039 11040
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	11041 11042 11043
(f) Disability <u>financial</u> assistance payments, as exempted by section 5115.07 <u>5115.06</u> of the Revised Code.	11044 11045
(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	11046 11047 11048 11049 11050 11051 11052 11053 11054 11055 11056 11057 11058 11059 11060

the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund; 11061
11062

(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: 11063
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(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. 11072
11073
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(ii) The payment is on account of age or length of service. 11075

(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. 11076
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(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: 11079
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(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 11089
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11091

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 11123
individual's death, to the extent reasonably necessary for the 11124
support of the person and any of the person's dependents; 11125

(c) Except in cases in which the person who receives the 11126
payment is an inmate, as defined in section 2969.21 of the Revised 11127
Code, and in which the payment resulted from a civil action or 11128
appeal against a government entity or employee, as defined in 11129
section 2969.21 of the Revised Code, a payment, not to exceed five 11130
thousand dollars, on account of personal bodily injury, not 11131
including pain and suffering or compensation for actual pecuniary 11132
loss, of the person or an individual for whom the person is a 11133
dependent; 11134

(d) A payment in compensation for loss of future earnings of 11135
the person or an individual of whom the person is or was a 11136
dependent, to the extent reasonably necessary for the support of 11137
the debtor and any of the debtor's dependents. 11138

(13) Except as provided in sections 3119.80, 3119.81, 11139
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 11140
earnings of the person owed to the person for services in an 11141
amount equal to the greater of the following amounts: 11142

(a) If paid weekly, thirty times the current federal minimum 11143
hourly wage; if paid biweekly, sixty times the current federal 11144
minimum hourly wage; if paid semimonthly, sixty-five times the 11145
current federal minimum hourly wage; or if paid monthly, one 11146
hundred thirty times the current federal minimum hourly wage that 11147
is in effect at the time the earnings are payable, as prescribed 11148
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 11149
U.S.C. 206(a)(1), as amended; 11150

(b) Seventy-five per cent of the disposable earnings owed to 11151
the person. 11152

(14) The person's right in specific partnership property, as 11153

exempted by division (B)(3) of section 1775.24 of the Revised Code; 11154
11155

(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code; 11156
11157

(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; 11158
11159
11160
11161

(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; 11162
11163
11164
11165

(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. 11166
11167
11168

(B) As used in this section: 11169

(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. 11170
11171
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(2) "Insider" means: 11174

(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; 11175
11176
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(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a 11180
11181
11182
11183

general partner, director, officer, or person in control of the 11184
corporation; 11185

(c) If the person who claims an exemption is a partnership, a 11186
general partner in the partnership; a general partner of the 11187
partnership; a person in control of the partnership; a partnership 11188
in which the partnership is a general partner; or a relative in, a 11189
general partner of, or a person in control of the partnership; 11190

(d) An entity or person to which or whom any of the following 11191
applies: 11192

(i) The entity directly or indirectly owns, controls, or 11193
holds with power to vote, twenty per cent or more of the 11194
outstanding voting securities of the person who claims an 11195
exemption, unless the entity holds the securities in a fiduciary 11196
or agency capacity without sole discretionary power to vote the 11197
securities or holds the securities solely to secure to debt and 11198
the entity has not in fact exercised the power to vote. 11199

(ii) The entity is a corporation, twenty per cent or more of 11200
whose outstanding voting securities are directly or indirectly 11201
owned, controlled, or held with power to vote, by the person who 11202
claims an exemption or by an entity to which division (B)(2)(d)(i) 11203
of this section applies. 11204

(iii) A person whose business is operated under a lease or 11205
operating agreement by the person who claims an exemption, or a 11206
person substantially all of whose business is operated under an 11207
operating agreement with the person who claims an exemption. 11208

(iv) The entity operates the business or all or substantially 11209
all of the property of the person who claims an exemption under a 11210
lease or operating agreement. 11211

(e) An insider, as otherwise defined in this section, of a 11212
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 11213
(iv) of this section applies, as if the person or entity were a 11214

person who claims an exemption;	11215
(f) A managing agent of the person who claims an exemption.	11216
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	11217 11218
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	11219 11220
(C) For purposes of this section, "interest" shall be determined as follows:	11221 11222
(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;	11223 11224 11225
(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.	11226 11227 11228
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.	11229 11230 11231
Sec. 2505.13. If a supersedeas bond has been executed and filed and the surety is one other than a surety company, the clerk of the court with which the bond has been filed, upon request, shall issue a certificate that sets forth the fact that the bond has been filed and that states the style and number of the appeal, the amount of the bond, and the sureties on it. Such a certificate may be filed in the office of the county recorder of any county in which the sureties may own land, and, when filed, the bond shall be a lien upon the land of the sureties in such county. The lien shall be extinguished upon the satisfaction, reversal, or vacation of the final order, judgment, or decree involved, or by an order of the court that entered the final order, judgment, or decree, that releases the lien or releases certain land from the operation	11232 11233 11234 11235 11236 11237 11238 11239 11240 11241 11242 11243 11244

of the lien. 11245

The clerk, upon request, shall issue a notice of discharge of 11246
such a lien, which may be filed in the office of any recorder in 11247
whose office the certificate of lien was filed. Such notice shall 11248
state that the final order, judgment, or decree involved is 11249
satisfied, reversed, or vacated, or that an order has been entered 11250
that releases the lien or certain land from the operation of the 11251
lien. Such recorder shall properly keep and file such certificates 11252
and notices as are filed with ~~him~~ the recorder and shall index 11253
them in the book or record provided for in section 2937.27 of the 11254
Revised Code. 11255

The fee for issuing such a certificate or notice shall be as 11256
provided by law, and shall be taxed as part of the costs of the 11257
appeal. A county recorder shall receive a base fee of fifty cents 11258
for filing and indexing such a certificate, which fee shall cover 11259
the filing and the entering on the index of ~~such a~~ the notice and 11260
a housing trust fund fee of fifty cents pursuant to section 317.36 11261
of the Revised Code. 11262

Sec. 2715.041. (A) Upon the filing of a motion for an order 11263
of attachment pursuant to section 2715.03 of the Revised Code, the 11264
plaintiff shall file with the clerk of the court a praecipe 11265
instructing the clerk to issue to the defendant against whom the 11266
motion was filed a notice of the proceeding. Upon receipt of the 11267
praecipe, the clerk shall issue the notice which shall be in 11268
substantially the following form: 11269

"(Name and Address of Court) 11270

Case No..... 11271

(Case Caption) 11272

NOTICE 11273

You are hereby notified that (name and address of plaintiff), 11274
the plaintiff in this proceeding, has applied to this court for 11275

the attachment of property in your possession. The basis for this 11276
application is indicated in the documents that are enclosed with 11277
this notice. 11278

The law of Ohio and the United States provides that certain 11279
benefit payments cannot be taken from you to pay a debt. Typical 11280
among the benefits that cannot be attached or executed on by a 11281
creditor are: 11282

(1) Workers' compensation benefits; 11283

(2) Unemployment compensation payments; 11284

(3) Cash assistance payments under the Ohio works first 11285
program; 11286

(4) Benefits and services under the prevention, retention, 11287
and contingency program; 11288

(5) Disability financial assistance administered by the Ohio 11289
department of job and family services; 11290

(6) Social security benefits; 11291

(7) Supplemental security income (S.S.I.); 11292

(8) Veteran's benefits; 11293

(9) Black lung benefits; 11294

(10) Certain pensions. 11295

Additionally, your wages never can be taken to pay a debt 11296
until a judgment has been obtained against you. There may be other 11297
benefits not included in this list that apply in your case. 11298

If you dispute the plaintiff's claim and believe that you are 11299
entitled to retain possession of the property because it is exempt 11300
or for any other reason, you may request a hearing before this 11301
court by disputing the claim in the request for hearing form 11302
appearing below, or in a substantially similar form, and 11303
delivering the request for the hearing to this court, at the 11304

office of the clerk of this court, not later than the end of the 11305
fifth business day after you receive this notice. You may state 11306
your reasons for disputing the claim in the space provided on the 11307
form, but you are not required to do so. If you do state your 11308
reasons for disputing the claim in the space provided on the form, 11309
you are not prohibited from stating any other reasons at the 11310
hearing, and if you do not state your reasons, it will not be held 11311
against you by the court and you can state your reasons at the 11312
hearing. 11313

If you request a hearing, it will be conducted in 11314
..... courtroom, (address of court), at 11315
.....m. on, 11316

You may avoid having a hearing but retain possession of the 11317
property until the entry of final judgment in the action by filing 11318
with the court, at the office of the clerk of this court, not 11319
later than the end of the fifth business day after you receive 11320
this notice, a bond executed by an acceptable surety in the amount 11321
of \$..... 11322

If you do not request a hearing or file a bond on or before 11323
the end of the fifth business day after you receive this notice, 11324
the court, without further notice to you, may order a law 11325
enforcement officer or bailiff to take possession of the property. 11326
Notice of the dates, times, places, and purposes of any subsequent 11327
hearings and of the date, time, and place of the trial of the 11328
action will be sent to you. 11329

..... 11330

Clerk of Court 11331

Date:....." 11332

(B) Along with the notice required by division (A) of this 11333
section, the clerk of the court also shall deliver to the 11334
defendant, in accordance with division (C) of this section, a 11335
request for hearing form together with a postage-paid, 11336

self-addressed envelope or a request for hearing form on a 11337
postage-paid, self-addressed postcard. The request for hearing 11338
shall be in substantially the following form: 11339

"(Name and Address of Court) 11340

Case Number Date 11341

REQUEST FOR HEARING 11342

I dispute the claim for the attachment of property in the 11343
above case and request that a hearing in this matter be held at 11344
the time and place set forth in the notice that I previously 11345
received. 11346

I dispute the claim for the following reasons: 11347

..... 11348

(Optional) 11349

..... 11350

..... 11351

..... 11352

(Name of Defendant) 11353

..... 11354

(Signature) 11355

..... 11356

(Date) 11357

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 11358
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 11359
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 11360
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 11361
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 11362

(C) The notice required by division (A) of this section shall 11363
be served on the defendant in duplicate not less than seven 11364
business days prior to the date on which the hearing is scheduled, 11365
together with a copy of the complaint and summons, if not 11366

previously served, and a copy of the motion for the attachment of 11367
property and the affidavit attached to the motion, in the same 11368
manner as provided in the Rules of Civil Procedure for the service 11369
of process. Service may be effected by publication as provided in 11370
the Rules of Civil Procedure except that the number of weeks for 11371
publication may be reduced by the court to the extent appropriate. 11372

Sec. 2715.045. (A) Upon the filing of a motion for 11373
attachment, a court may issue an order of attachment without 11374
issuing notice to the defendant against whom the motion was filed 11375
and without conducting a hearing if the court finds that there is 11376
probable cause to support the motion and that the plaintiff that 11377
filed the motion for attachment will suffer irreparable injury if 11378
the order is delayed until the defendant against whom the motion 11379
has been filed has been given the opportunity for a hearing. The 11380
court's findings shall be based upon the motion and affidavit 11381
filed pursuant to section 2715.03 of the Revised Code and any 11382
other relevant evidence that it may wish to consider. 11383

(B) A finding by the court that the plaintiff will suffer 11384
irreparable injury may be made only if the court finds the 11385
existence of either of the following circumstances: 11386

(1) There is present danger that the property will be 11387
immediately disposed of, concealed, or placed beyond the 11388
jurisdiction of the court. 11389

(2) The value of the property will be impaired substantially 11390
if the issuance of an order of attachment is delayed. 11391

(C)(1) Upon the issuance by a court of an order of attachment 11392
without notice and hearing pursuant to this section, the plaintiff 11393
shall file the order with the clerk of the court, together with a 11394
praecipe instructing the clerk to issue to the defendant against 11395
whom the order was issued a copy of the motion, affidavit, and 11396
order of attachment, and a notice that an order of attachment was 11397

issued and that the defendant has a right to a hearing on the 11398
matter. The clerk then immediately shall serve upon the defendant, 11399
in the manner provided by the Rules of Civil Procedure for service 11400
of process, a copy of the complaint and summons, if not previously 11401
served, a copy of the motion, affidavit, and order of attachment, 11402
and the following notice: 11403

"(Name and Address of the Court) 11404

(Case Caption) Case No. 11405

NOTICE 11406

You are hereby notified that this court has issued an order 11407
in the above case in favor of (name and address of plaintiff), the 11408
plaintiff in this proceeding, directing that property now in your 11409
possession, be taken from you. This order was issued on the basis 11410
of the plaintiff's claim against you as indicated in the documents 11411
that are enclosed with this notice. 11412

The law of Ohio and the United States provides that certain 11413
benefit payments cannot be taken from you to pay a debt. Typical 11414
among the benefits that cannot be attached or executed on by a 11415
creditor are: 11416

(1) Workers' compensation benefits; 11417

(2) Unemployment compensation payments; 11418

(3) Cash assistance payments under the Ohio works first 11419
program; 11420

(4) Benefits and services under the prevention, retention, 11421
and contingency program; 11422

(5) Disability financial assistance administered by the Ohio 11423
department of job and family services; 11424

(6) Social security benefits; 11425

(7) Supplemental security income (S.S.I.); 11426

(8) Veteran's benefits; 11427

(9) Black lung benefits; 11428

(10) Certain pensions. 11429

Additionally, your wages never can be taken to pay a debt 11430
until a judgment has been obtained against you. There may be other 11431
benefits not included in this list that apply in your case. 11432

If you dispute the plaintiff's claim and believe that you are 11433
entitled to possession of the property because it is exempt or for 11434
any other reason, you may request a hearing before this court by 11435
disputing the claim in the request for hearing form, appearing 11436
below, or in a substantially similar form, and delivering the 11437
request for hearing to this court at the above address, at the 11438
office of the clerk of this court, no later than the end of the 11439
fifth business day after you receive this notice. You may state 11440
your reasons for disputing the claim in the space provided on the 11441
form; however, you are not required to do so. If you do state your 11442
reasons for disputing the claim, you are not prohibited from 11443
stating any other reasons at the hearing, and if you do not state 11444
your reasons, it will not be held against you by the court and you 11445
can state your reasons at the hearing. If you request a hearing, 11446
it will be held within three business days after delivery of your 11447
request for hearing and notice of the date, time, and place of the 11448
hearing will be sent to you. 11449

You may avoid a hearing but recover and retain possession of 11450
the property until the entry of final judgment in the action by 11451
filing with the court, at the office of the clerk of this court, 11452
not later than the end of the fifth business day after you receive 11453
this notice, a bond executed by an acceptable surety in the amount 11454
of \$..... 11455

If you do not request a hearing or file a bond before the end 11456
of the fifth business day after you receive this notice, 11457
possession of the property will be withheld from you during the 11458

pendency of the action. Notice of the dates, times, places, and 11459
purposes of any subsequent hearings and of the date, time, and 11460
place of the trial of the action will be sent to you. 11461

..... 11462

Clerk of the Court 11463

..... 11464

Date" 11465

(2) Along with the notice required by division (C)(1) of this 11466
section, the clerk of the court also shall deliver to the 11467
defendant a request for hearing form together with a postage-paid, 11468
self-addressed envelope or a request for hearing form on a 11469
postage-paid, self-addressed postcard. The request for hearing 11470
shall be in substantially the following form: 11471

"(Name and Address of Court) 11472

Case Number Date 11473

REQUEST FOR HEARING 11474

I dispute the claim for possession of property in the above 11475
case and request that a hearing in this matter be held within 11476
three business days after delivery of this request to the court. 11477

I dispute the claim for the following reasons: 11478

..... 11479

(Optional) 11480

..... 11481

..... 11482

..... 11483

(Name of Defendant) 11484

..... 11485

(Signature) 11486

..... 11487

(Date) 11488

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 11489
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 11490
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 11491
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 11492
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 11493

(D) The defendant may receive a hearing in accordance with 11494
section 2715.043 of the Revised Code by delivering a written 11495
request for hearing to the court within five business days after 11496
receipt of the notice provided pursuant to division (C) of this 11497
section. The request may set forth the defendant's reasons for 11498
disputing the plaintiff's claim for possession of property. 11499
However, neither the defendant's inclusion of nor failure to 11500
include such reasons upon the request constitutes a waiver of any 11501
defense of the defendant or affects the defendant's right to 11502
produce evidence at any hearing or at the trial of the action. If 11503
the request is made by the defendant, the court shall schedule a 11504
hearing within three business days after the request is made, send 11505
notice to the parties of the date, time, and place of the hearing, 11506
and hold the hearing accordingly. 11507

(E) If, after hearing, the court finds that there is not 11508
probable cause to support the motion, it shall order that the 11509
property be redelivered to the defendant without the condition of 11510
bond. 11511

Sec. 2716.13. (A) Upon the filing of a proceeding in 11512
garnishment of property, other than personal earnings, under 11513
section 2716.11 of the Revised Code, the court shall cause the 11514
matter to be set for hearing within twelve days after that filing. 11515

(B) Upon the scheduling of a hearing relative to a proceeding 11516
in garnishment of property, other than personal earnings, under 11517
division (A) of this section, the clerk of the court immediately 11518
shall issue to the garnishee three copies of the order of 11519

garnishment of property, other than personal earnings, and of a 11520
written notice that the garnishee answer as provided in section 11521
2716.21 of the Revised Code and the garnishee's fee required by 11522
section 2716.12 of the Revised Code. The copies of the order and 11523
of the notice shall be served upon the garnishee in the same 11524
manner as a summons is served. The copies of the order and of the 11525
notice shall not be served later than seven days prior to the date 11526
on which the hearing is scheduled. The order shall bind the 11527
property, other than personal earnings, of the judgment debtor in 11528
the possession of the garnishee at the time of service. 11529

The order of garnishment of property, other than personal 11530
earnings, and notice to answer shall be in substantially the 11531
following form: 11532

"ORDER AND NOTICE OF GARNISHMENT 11533
OF PROPERTY OTHER THAN PERSONAL EARNINGS 11534
AND ANSWER OF GARNISHEE 11535
Docket No. 11536
Case No. 11537
In the Court 11538
....., Ohio 11539

The State of Ohio 11540

County of, ss 11541

....., Judgment Creditor 11542

vs. 11543

....., Judgment Debtor 11544

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 11545

To:, Garnishee 11546

The judgment creditor in the above case has filed an 11547
affidavit, satisfactory to the undersigned, in this Court stating 11548
that you have money, property, or credits, other than personal 11549
earnings, in your hands or under your control that belong to the 11550

judgment debtor, and that some of the money, property, or credits 11551
may not be exempt from garnishment under the laws of the State of 11552
Ohio or the laws of the United States. 11553

You are therefore ordered to complete the "ANSWER OF 11554
GARNISHEE" in section (B) of this form. Return one completed and 11555
signed copy of this form to the clerk of this court together with 11556
the amount determined in accordance with the "ANSWER OF GARNISHEE" 11557
by the following date on which a hearing is tentatively scheduled 11558
relative to this order of garnishment: Deliver one 11559
completed and signed copy of this form to the judgment debtor 11560
prior to that date. Keep the other completed and signed copy of 11561
this form for your files. 11562

The total probable amount now due on this judgment is 11563
\$..... The total probable amount now due includes the unpaid 11564
portion of the judgment in favor of the judgment creditor, which 11565
is \$.....; interest on that judgment and, if applicable, 11566
prejudgment interest relative to that judgment at the rate of 11567
.....% per annum payable until that judgment is satisfied in full; 11568
and court costs in the amount of \$..... 11569

You also are ordered to hold safely anything of value that 11570
belongs to the judgment debtor and that has to be paid to the 11571
court, as determined under the "ANSWER OF GARNISHEE" in section 11572
(B) of this form, but that is of such a nature that it cannot be 11573
so delivered, until further order of the court. 11574

Witness my hand and the seal of this court this 11575
day of, 11576

..... 11577

Judge 11578

SECTION B. ANSWER OF GARNISHEE 11579

Now comes the garnishee, who says: 11580

1. That the garnishee has money, property, or credits, other 11581

than personal earnings, of the judgment debtor under the 11582
garnishee's control and in the garnishee's possession. 11583
..... 11584
yes no if yes, amount 11585

2. That property is described as: 11586

3. If the answer to line 1 is "yes" and the amount is less 11587
than the probable amount now due on the judgment, as indicated in 11588
section (A) of this form, sign and return this form and pay the 11589
amount of line 1 to the clerk of this court. 11590

4. If the answer to line 1 is "yes" and the amount is greater 11591
than that probable amount now due on the judgment, as indicated in 11592
section (A) of this form, sign and return this form and pay that 11593
probable amount now due to the clerk of this court. 11594

5. If the answer to line 1 is "yes" but the money, property, 11595
or credits are of such a nature that they cannot be delivered to 11596
the clerk of the court, indicate that by placing an "X" in this 11597
space: Do not dispose of that money, property, or credits 11598
or give them to anyone else until further order of the court. 11599

6. If the answer to line 1 is "no," sign and return this form 11600
to the clerk of this court. 11601

I certify that the statements above are true. 11602
..... 11603
(Print Name of Garnishee) 11604
..... 11605
(Print Name and Title of 11606
Person Who Completed Form) 11607

Signed..... 11608
(Signature of Person Completing Form) 11609

Dated this day of," 11610

Section A of the form described in this division shall be 11611

completed before service. Section B of the form shall be completed 11612
by the garnishee, and the garnishee shall file one completed and 11613
signed copy of the form with the clerk of the court as the 11614
garnishee's answer. The garnishee may keep one completed and 11615
signed copy of the form and shall deliver the other completed and 11616
signed copy of the form to the judgment debtor. 11617

If several affidavits seeking orders of garnishment of 11618
property, other than personal earnings, are filed against the same 11619
judgment debtor in accordance with section 2716.11 of the Revised 11620
Code, the court involved shall issue the requested orders in the 11621
same order in which the clerk received the associated affidavits. 11622

(C)(1) At the time of the filing of a proceeding in 11623
garnishment of property, other than personal earnings, under 11624
section 2716.11 of the Revised Code, the judgment creditor also 11625
shall file with the clerk of the court a praecipe instructing the 11626
clerk to issue to the judgment debtor a notice to the judgment 11627
debtor form and a request for hearing form. Upon receipt of the 11628
praecipe and the scheduling of a hearing relative to an action in 11629
garnishment of property, other than personal earnings, under 11630
division (A) of this section, the clerk of the court immediately 11631
shall serve upon the judgment debtor, in accordance with division 11632
(D) of this section, two copies of the notice to the judgment 11633
debtor form and of the request for hearing form. The copies of the 11634
notice to the judgment debtor form and of the request for hearing 11635
form shall not be served later than seven days prior to the date 11636
on which the hearing is scheduled. 11637

(a) The notice to the judgment debtor that must be served 11638
upon the judgment debtor shall be in substantially the following 11639
form: 11640

"(Name and Address of the Court) 11641

(Case Caption) Case No. 11642

NOTICE TO THE JUDGMENT DEBTOR 11643

You are hereby notified that this court has issued an order 11644
in the above case in favor of (name and address of judgment 11645
creditor), the judgment creditor in this proceeding, directing 11646
that some of your money, property, or credits, other than personal 11647
earnings, now in the possession of (name and address of 11648
garnishee), the garnishee in this proceeding, be used to satisfy 11649
your debt to the judgment creditor. This order was issued on the 11650
basis of the judgment creditor's judgment against you that was 11651
obtained in (name of court) in (case number) on (date). Upon your 11652
receipt of this notice, you are prohibited from removing or 11653
attempting to remove the money, property, or credits until 11654
expressly permitted by the court. Any violation of this 11655
prohibition subjects you to punishment for contempt of court. 11656

The law of Ohio and the United States provides that certain 11657
benefit payments cannot be taken from you to pay a debt. Typical 11658
among the benefits that cannot be attached or executed upon by a 11659
creditor are the following: 11660

- (1) Workers' compensation benefits; 11661
- (2) Unemployment compensation payments; 11662
- (3) Cash assistance payments under the Ohio works first 11663
program; 11664
- (4) Benefits and services under the prevention, retention, 11665
and contingency program; 11666
- (5) Disability financial assistance administered by the Ohio 11667
department of job and family services; 11668
- (6) Social security benefits; 11669
- (7) Supplemental security income (S.S.I.); 11670
- (8) Veteran's benefits; 11671
- (9) Black lung benefits; 11672

(10) Certain pensions. 11673

There may be other benefits not included in the above list 11674
that apply in your case. 11675

If you dispute the judgment creditor's right to garnish your 11676
property and believe that the judgment creditor should not be 11677
given your money, property, or credits, other than personal 11678
earnings, now in the possession of the garnishee because they are 11679
exempt or if you feel that this order is improper for any other 11680
reason, you may request a hearing before this court by disputing 11681
the claim in the request for hearing form, appearing below, or in 11682
a substantially similar form, and delivering the request for 11683
hearing to this court at the above address, at the office of the 11684
clerk of this court no later than the end of the fifth business 11685
day after you receive this notice. You may state your reasons for 11686
disputing the judgment creditor's right to garnish your property 11687
in the space provided on the form; however, you are not required 11688
to do so. If you do state your reasons for disputing the judgment 11689
creditor's right, you are not prohibited from stating any other 11690
reason at the hearing. If you do not state your reasons, it will 11691
not be held against you by the court, and you can state your 11692
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 11693
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 11694
the hearing will be limited to a consideration of the amount of 11695
your money, property, or credits, other than personal earnings, in 11696
the possession or control of the garnishee, if any, that can be 11697
used to satisfy all or part of the judgment you owe to the 11698
judgment creditor. 11699

If you request a hearing by delivering your request for 11700
hearing no later than the end of the fifth business day after you 11701
receive this notice, it will be conducted in courtroom 11702
....., (address of court), at m. on, 11703
..... You may request the court to conduct the hearing before 11704

this date by indicating your request in the space provided on the 11705
form; the court then will send you notice of any change in the 11706
date, time, or place of the hearing. If you do not request a 11707
hearing by delivering your request for a hearing no later than the 11708
end of the fifth business day after you receive this notice, some 11709
of your money, property, or credits, other than personal earnings, 11710
will be paid to the judgment creditor. 11711

If you have any questions concerning this matter, you may 11712
contact the office of the clerk of this court. If you want legal 11713
representation, you should contact your lawyer immediately. If you 11714
need the name of a lawyer, contact the local bar association. 11715

..... 11716
Clerk of the Court 11717
..... 11718
Date" 11719

(b) The request for hearing form that must be served upon the 11720
judgment debtor shall have attached to it a postage-paid, 11721
self-addressed envelope or shall be on a postage-paid 11722
self-addressed postcard, and shall be in substantially the 11723
following form: 11724

"(Name and Address of Court) 11725

Case Number Date 11726

REQUEST FOR HEARING 11727

I dispute the judgment creditor's right to garnish my money, 11728
property, or credits, other than personal earnings, in the above 11729
case and request that a hearing in this matter be held 11730

..... 11731

(Insert "on" or "earlier than") 11732

the date and time set forth in the document entitled "NOTICE TO 11733
THE JUDGMENT DEBTOR" that I received with this request form. 11734

I dispute the judgment creditor's right to garnish my 11735

property for the following reasons:	11736
.....	11737
(Optional)	11738
.....	11739
.....	11740
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	11741
BE HEARD OR CONSIDERED AT THE HEARING.	11742
.....	11743
(Name of Judgment Debtor)	11744
.....	11745
(Signature)	11746
.....	11747
(Date)	11748
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	11749
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	11750
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	11751
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	11752
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	11753
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	11754
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	11755
CREDITOR'S NAME)."	11756
(2) The judgment debtor may receive a hearing in accordance	11757
with this division by delivering a written request for hearing to	11758
the court within five business days after receipt of the notice	11759
provided pursuant to division (C)(1) of this section. The request	11760
may set forth the judgment debtor's reasons for disputing the	11761
judgment creditor's right to garnish the money, property, or	11762
credits, other than personal earnings; however, neither the	11763
judgment debtor's inclusion of nor failure to include those	11764
reasons upon the request constitutes a waiver of any defense of	11765
the judgment debtor or affects the judgment debtor's right to	11766

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 11799
garnishee at the time of service of the notice and order into 11800
court if they have not already been paid to the court. This order 11801
shall be based on the answer of the garnishee filed pursuant to 11802
this section. If the scheduled hearing is conducted or if it is 11803
continued and conducted, the court shall determine at the hearing 11804
the amount of the money, property, or credits, other than personal 11805
earnings, of the judgment debtor in the possession of the 11806
garnishee at the time of service of the notice and order, if any, 11807
that can be used to satisfy all or part of the debt owed by the 11808
judgment debtor to the judgment creditor, and issue an order, 11809
accordingly, to the garnishee to pay that amount into court if it 11810
has not already been paid to the court. 11811

(D) The notice to the judgment debtor form and the request 11812
for hearing form described in division (C) of this section shall 11813
be sent by the clerk by ordinary or regular mail service unless 11814
the judgment creditor requests that service be made in accordance 11815
with the Rules of Civil Procedure, in which case the forms shall 11816
be served in accordance with the Rules of Civil Procedure. Any 11817
court of common pleas that issues an order of garnishment of 11818
property, other than personal earnings, under this section has 11819
jurisdiction to serve process pursuant to this section upon a 11820
garnishee who does not reside within the jurisdiction of the 11821
court. Any county court or municipal court that issues an order of 11822
garnishment of property, other than personal earnings, under this 11823
section has jurisdiction to serve process pursuant to this section 11824
upon a garnishee who does not reside within the jurisdiction of 11825
the court. 11826

Sec. 2743.02. (A)(1) The state hereby waives its immunity 11827
from liability, except as provided for the office of the state 11828
fire marshal in division (G)(1) of section 9.60 and division (B) 11829
of section 3737.221 of the Revised Code and subject to division 11830

(H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this chapter in accordance with the same rules of law applicable to suits between private parties, except that the determination of liability is subject to the limitations set forth in this chapter and, in the case of state universities or colleges, in section 3345.40 of the Revised Code, and except as provided in division (A)(2) of this section. To the extent that the state has previously consented to be sued, this chapter has no applicability.

Except in the case of a civil action filed by the state, filing a civil action in the court of claims results in a complete waiver of any cause of action, based on the same act or omission, which the filing party has against any officer or employee, as defined in section 109.36 of the Revised Code. The waiver shall be void if the court determines that the act or omission was manifestly outside the scope of the officer's or employee's office or employment or that the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(2) If a claimant proves in the court of claims that an officer or employee, as defined in section 109.36 of the Revised Code, would have personal liability for the officer's or employee's acts or omissions but for the fact that the officer or employee has personal immunity under section 9.86 of the Revised Code, the state shall be held liable in the court of claims in any action that is timely filed pursuant to section 2743.16 of the Revised Code and that is based upon the acts or omissions.

(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private

parties, subject to the limitations set forth in this chapter. 11863
This division is also applicable to hospitals owned or operated by 11864
political subdivisions which have been determined by the supreme 11865
court to be subject to suit prior to July 28, 1975. 11866

(C) Any hospital, as defined in section 2305.113 of the 11867
Revised Code, may purchase liability insurance covering its 11868
operations and activities and its agents, employees, nurses, 11869
interns, residents, staff, and members of the governing board and 11870
committees, and, whether or not such insurance is purchased, may, 11871
to such extent as its governing board considers appropriate, 11872
indemnify or agree to indemnify and hold harmless any such person 11873
against expense, including attorney's fees, damage, loss, or other 11874
liability arising out of, or claimed to have arisen out of, the 11875
death, disease, or injury of any person as a result of the 11876
negligence, malpractice, or other action or inaction of the 11877
indemnified person while acting within the scope of the 11878
indemnified person's duties or engaged in activities at the 11879
request or direction, or for the benefit, of the hospital. Any 11880
hospital electing to indemnify such persons, or to agree to so 11881
indemnify, shall reserve such funds as are necessary, in the 11882
exercise of sound and prudent actuarial judgment, to cover the 11883
potential expense, fees, damage, loss, or other liability. The 11884
superintendent of insurance may recommend, or, if such hospital 11885
requests the superintendent to do so, the superintendent shall 11886
recommend, a specific amount for any period that, in the 11887
superintendent's opinion, represents such a judgment. This 11888
authority is in addition to any authorization otherwise provided 11889
or permitted by law. 11890

(D) Recoveries against the state shall be reduced by the 11891
aggregate of insurance proceeds, disability award, or other 11892
collateral recovery received by the claimant. This division does 11893
not apply to civil actions in the court of claims against a state 11894

university or college under the circumstances described in section 11895
3345.40 of the Revised Code. The collateral benefits provisions of 11896
division (B)(2) of that section apply under those circumstances. 11897

(E) The only defendant in original actions in the court of 11898
claims is the state. The state may file a third-party complaint or 11899
counterclaim in any civil action, except a civil action for two 11900
thousand five hundred dollars or less, that is filed in the court 11901
of claims. 11902

(F) A civil action against an officer or employee, as defined 11903
in section 109.36 of the Revised Code, that alleges that the 11904
officer's or employee's conduct was manifestly outside the scope 11905
of the officer's or employee's employment or official 11906
responsibilities, or that the officer or employee acted with 11907
malicious purpose, in bad faith, or in a wanton or reckless manner 11908
shall first be filed against the state in the court of claims, 11909
which has exclusive, original jurisdiction to determine, 11910
initially, whether the officer or employee is entitled to personal 11911
immunity under section 9.86 of the Revised Code and whether the 11912
courts of common pleas have jurisdiction over the civil action. 11913

The filing of a claim against an officer or employee under 11914
this division tolls the running of the applicable statute of 11915
limitations until the court of claims determines whether the 11916
officer or employee is entitled to personal immunity under section 11917
9.86 of the Revised Code. 11918

(G) Whenever a claim lies against an officer or employee who 11919
is a member of the Ohio national guard, and the officer or 11920
employee was, at the time of the act or omission complained of, 11921
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 11922
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 11923
exclusive remedy of the claimant and the state has no liability 11924
under this section. 11925

(H) If an inmate of a state correctional institution has a claim against the state for the loss of or damage to property and the amount claimed does not exceed three hundred dollars, before commencing an action against the state in the court of claims, the inmate shall file a claim for the loss or damage under the rules adopted by the director of rehabilitation and correction pursuant to this division. The inmate shall file the claim within the time allowed for commencement of a civil action under section 2743.16 of the Revised Code. If the state admits or compromises the claim, the director shall make payment from a fund designated by the director for that purpose. If the state denies the claim or does not compromise the claim at least sixty days prior to expiration of the time allowed for commencement of a civil action based upon the loss or damage under section 2743.16 of the Revised Code, the inmate may commence an action in the court of claims under this chapter to recover damages for the loss or damage.

The director of rehabilitation and correction shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this division.

Sec. 2901.07. (A) As used in this section: 11945

(1) "DNA analysis" and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code. 11946
11947

(2) "Jail" and "community-based correctional facility" have the same meanings as in section 2929.01 of the Revised Code. 11948
11949

(3) "Post-release control" has the same meaning as in section 2967.01 of the Revised Code. 11950
11951

(B)(1) A person who is convicted of or pleads guilty to a felony offense listed in division (D) of this section and who is sentenced to a prison term or to a community residential sanction in a jail or community-based correctional facility pursuant to 11952
11953
11954
11955

section 2929.16 of the Revised Code, and a person who is convicted 11956
of or pleads guilty to a misdemeanor offense listed in division 11957
(D) of this section and who is sentenced to a term of imprisonment 11958
shall submit to a DNA specimen collection procedure administered 11959
by the director of rehabilitation and correction or the chief 11960
administrative officer of the jail or other detention facility in 11961
which the person is serving the term of imprisonment. If the 11962
person serves the prison term in a state correctional institution, 11963
the director of rehabilitation and correction shall cause the DNA 11964
specimen to be collected from the person during the intake process 11965
at the reception facility designated by the director. If the 11966
person serves the community residential sanction or term of 11967
imprisonment in a jail, a community-based correctional facility, 11968
or another county, multicounty, municipal, municipal-county, or 11969
multicounty-municipal detention facility, the chief administrative 11970
officer of the jail, community-based correctional facility, or 11971
detention facility shall cause the DNA specimen to be collected 11972
from the person during the intake process at the jail, 11973
community-based correctional facility, or detention facility. In 11974
accordance with division (C) of this section, the director or the 11975
chief administrative officer shall cause the DNA specimen to be 11976
forwarded to the bureau of criminal identification and 11977
investigation no later than fifteen days after the date of the 11978
collection of the DNA specimen. The DNA specimen shall be 11979
collected in accordance with division (C) of this section. 11980

(2) If a person is convicted of or pleads guilty to an 11981
offense listed in division (D) of this section, is serving a 11982
prison term, community residential sanction, or term of 11983
imprisonment for that offense, and does not provide a DNA specimen 11984
pursuant to division (B)(1) of this section, prior to the person's 11985
release from the prison term, community residential sanction, or 11986
imprisonment, the person shall submit to, and the director of 11987
rehabilitation and correction or the chief administrative officer 11988

of the jail, community-based correctional facility, or detention 11989
facility in which the person is serving the prison term, community 11990
residential sanction, or term of imprisonment shall administer, a 11991
DNA specimen collection procedure at the state correctional 11992
institution, jail, community-based correctional facility, or 11993
detention facility in which the person is serving the prison term, 11994
community residential sanction, or term of imprisonment. In 11995
accordance with division (C) of this section, the director or the 11996
chief administrative officer shall cause the DNA specimen to be 11997
forwarded to the bureau of criminal identification and 11998
investigation no later than fifteen days after the date of the 11999
collection of the DNA specimen. The DNA specimen shall be 12000
collected in accordance with division (C) of this section. 12001

(3) If a person sentenced to a term of imprisonment or 12002
serving a prison term or community residential sanction for 12003
committing an offense listed in division (D) of this section is on 12004
probation, is released on parole, under transitional control, or 12005
on another type of release, or is on post-release control, if the 12006
person is under the supervision of a probation department or the 12007
adult parole authority, if the person is sent to jail or is 12008
returned to a jail, community-based correctional facility, or 12009
state correctional institution for a violation of the terms and 12010
conditions of the probation, parole, transitional control, other 12011
release, or post-release control, if the person was or will be 12012
serving a term of imprisonment, prison term, or community 12013
residential sanction for committing an offense listed in division 12014
(D) of this section, and if the person did not provide a DNA 12015
specimen pursuant to division (B)(1) or (2) of this section, the 12016
person shall submit to, and the director of rehabilitation and 12017
correction or the chief administrative officer of the jail or 12018
community-based correctional facility shall administer, a DNA 12019
specimen collection procedure at the jail, community-based 12020
correctional facility, or state correctional institution in which 12021

the person is serving the term of imprisonment, prison term, or 12022
community residential sanction. In accordance with division (C) of 12023
this section, the director or the chief administrative officer 12024
shall cause the DNA specimen to be forwarded to the bureau of 12025
criminal identification and investigation no later than fifteen 12026
days after the date of the collection of the DNA specimen. The DNA 12027
specimen shall be collected from the person in accordance with 12028
division (C) of this section. 12029

(C) If the DNA specimen is collected by withdrawing blood 12030
from the person or a similarly invasive procedure, a physician, 12031
registered nurse, licensed practical nurse, duly licensed clinical 12032
laboratory technician, or other qualified medical practitioner 12033
shall collect in a medically approved manner the DNA specimen 12034
required to be collected pursuant to division (B) of this section. 12035
If the DNA specimen is collected by swabbing for buccal cells or a 12036
similarly noninvasive procedure, this section does not require 12037
that the DNA specimen be collected by a qualified medical 12038
practitioner of that nature. No later than fifteen days after the 12039
date of the collection of the DNA specimen, the director of 12040
rehabilitation and correction or the chief administrative officer 12041
of the jail, community-based correctional facility, or other 12042
county, multicounty, municipal, municipal-county, or 12043
multicounty-municipal detention facility, in which the person is 12044
serving the prison term, community residential sanction, or term 12045
of imprisonment shall cause the DNA specimen to be forwarded to 12046
the bureau of criminal identification and investigation in 12047
accordance with procedures established by the superintendent of 12048
the bureau under division (H) of section 109.573 of the Revised 12049
Code. The bureau shall provide the specimen vials, mailing tubes, 12050
labels, postage, and instructions needed for the collection and 12051
forwarding of the DNA specimen to the bureau. 12052

(D) The director of rehabilitation and correction and the 12053

chief administrative officer of the jail, community-based 12054
correctional facility, or other county, multicounty, municipal, 12055
municipal-county, or multicounty-municipal detention facility 12056
shall cause a DNA specimen to be collected in accordance with 12057
divisions (B) and (C) of this section from a person in its custody 12058
who is convicted of or pleads guilty to any of the following 12059
offenses: 12060

(1) A violation of section 2903.01, 2903.02, 2903.11, 12061
2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 12062
2911.11, or 2911.12 of the Revised Code; 12063

(2) A violation of section 2907.12 of the Revised Code as it 12064
existed prior to September 3, 1996; 12065

(3) An attempt to commit a violation of section 2903.01, 12066
2903.02, 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code 12067
or to commit a violation of section 2907.12 of the Revised Code as 12068
it existed prior to September 3, 1996; 12069

(4) A violation of any law that arose out of the same facts 12070
and circumstances and same act as did a charge against the person 12071
of a violation of section 2903.01, 2903.02, 2905.01, 2907.02, 12072
2907.03, 2907.04, 2907.05, or 2911.11 of the Revised Code that 12073
previously was dismissed or amended or as did a charge against the 12074
person of a violation of section 2907.12 of the Revised Code as it 12075
existed prior to September 3, 1996, that previously was dismissed 12076
or amended; 12077

(5) A violation of section 2905.02 or 2919.23 of the Revised 12078
Code that would have been a violation of section 2905.04 of the 12079
Revised Code as it existed prior to July 1, 1996, had it been 12080
committed prior to that date; 12081

(6) A sexually oriented offense, as defined in section 12082
2950.01 of the Revised Code, if, in relation to that offense, the 12083
offender has been adjudicated as being a sexual predator, as 12084

defined in section 2950.01 of the Revised Code; 12085

(7) A felony violation of any law that arose out of the same 12086
facts and circumstances and same act as did a charge against the 12087
person of a violation of section 2903.11, 2911.01, 2911.02, or 12088
2911.12 of the Revised Code that previously was dismissed or 12089
amended; 12090

(8) A conspiracy to commit a violation of section 2903.01, 12091
2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the 12092
Revised Code; 12093

(9) Complicity in committing a violation of section 2903.01, 12094
2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 12095
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a 12096
violation of section 2907.12 of the Revised Code as it existed 12097
prior to September 3, 1996. 12098

(E) The director of rehabilitation and correction or a chief 12099
administrative officer of a jail, community-based correctional 12100
facility, or other detention facility described in division (B) of 12101
this section in relation to the following offenses is not required 12102
to comply with this section until the superintendent of the bureau 12103
of criminal identification and investigation gives agencies in the 12104
criminal justice system, as defined in section ~~181.51~~ 109.98 of 12105
the Revised Code, in the state official notification that the 12106
state DNA laboratory is prepared to accept DNA specimens of that 12107
nature: 12108

(1) A violation of section 2903.11, 2911.01, 2911.02, or 12109
2911.12 of the Revised Code; 12110

(2) An attempt to commit a violation of section 2903.01 or 12111
2903.02 of the Revised Code; 12112

(3) A felony violation of any law that arose out of the same 12113
facts and circumstances and same act as did a charge against the 12114
person of a violation of section 2903.11, 2911.01, 2911.02, or 12115

2911.12 of the Revised Code that previously was dismissed or amended;	12116 12117
(4) A conspiracy to commit a violation of section 2903.01, 2903.02, 2905.01, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code;	12118 12119 12120
(5) Complicity in committing a violation of section 2903.01, 2903.02, 2903.11, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code or a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	12121 12122 12123 12124 12125
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:	12126 12127 12128
(1) The statement is made in any official proceeding.	12129
(2) The statement is made with purpose to incriminate another.	12130 12131
(3) The statement is made with purpose to mislead a public official in performing the public official's official function.	12132 12133
(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability <u>financial</u> 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.	12134 12135 12136 12137 12138 12139 12140
(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.	12141 12142 12143
(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	12144 12145

(7) The statement is in writing on or in connection with a 12146
report or return that is required or authorized by law. 12147

(8) The statement is in writing and is made with purpose to 12148
induce another to extend credit to or employ the offender, to 12149
confer any degree, diploma, certificate of attainment, award of 12150
excellence, or honor on the offender, or to extend to or bestow 12151
upon the offender any other valuable benefit or distinction, when 12152
the person to whom the statement is directed relies upon it to 12153
that person's detriment. 12154

(9) The statement is made with purpose to commit or 12155
facilitate the commission of a theft offense. 12156

(10) The statement is knowingly made to a probate court in 12157
connection with any action, proceeding, or other matter within its 12158
jurisdiction, either orally or in a written document, including, 12159
but not limited to, an application, petition, complaint, or other 12160
pleading, or an inventory, account, or report. 12161

(11) The statement is made on an account, form, record, 12162
stamp, label, or other writing that is required by law. 12163

(12) The statement is made in connection with the purchase of 12164
a firearm, as defined in section 2923.11 of the Revised Code, and 12165
in conjunction with the furnishing to the seller of the firearm of 12166
a fictitious or altered driver's or commercial driver's license or 12167
permit, a fictitious or altered identification card, or any other 12168
document that contains false information about the purchaser's 12169
identity. 12170

(13) The statement is made in a document or instrument of 12171
writing that purports to be a judgment, lien, or claim of 12172
indebtedness and is filed or recorded with the secretary of state, 12173
a county recorder, or the clerk of a court of record. 12174

(B) No person, in connection with the purchase of a firearm, 12175

as defined in section 2923.11 of the Revised Code, shall knowingly 12176
furnish to the seller of the firearm a fictitious or altered 12177
driver's or commercial driver's license or permit, a fictitious or 12178
altered identification card, or any other document that contains 12179
false information about the purchaser's identity. 12180

(C) It is no defense to a charge under division (A)(4) of 12181
this section that the oath or affirmation was administered or 12182
taken in an irregular manner. 12183

(D) If contradictory statements relating to the same fact are 12184
made by the offender within the period of the statute of 12185
limitations for falsification, it is not necessary for the 12186
prosecution to prove which statement was false but only that one 12187
or the other was false. 12188

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 12189
(6), (7), (8), (10), (11), or (13) of this section is guilty of 12190
falsification, a misdemeanor of the first degree. 12191

(2) Whoever violates division (A)(9) of this section is 12192
guilty of falsification in a theft offense. Except as otherwise 12193
provided in this division, falsification in a theft offense is a 12194
misdemeanor of the first degree. If the value of the property or 12195
services stolen is five hundred dollars or more and is less than 12196
five thousand dollars, falsification in a theft offense is a 12197
felony of the fifth degree. If the value of the property or 12198
services stolen is five thousand dollars or more and is less than 12199
one hundred thousand dollars, falsification in a theft offense is 12200
a felony of the fourth degree. If the value of the property or 12201
services stolen is one hundred thousand dollars or more, 12202
falsification in a theft offense is a felony of the third degree. 12203

(3) Whoever violates division (A)(12) or (B) of this section 12204
is guilty of falsification to purchase a firearm, a felony of the 12205
fifth degree. 12206

(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. 2935.36. (A) The prosecuting attorney may establish pre-trial diversion programs for adults who are accused of committing criminal offenses and whom the prosecuting attorney believes probably will not offend again. The prosecuting attorney may require, as a condition of an accused's participation in the program, the accused to pay a reasonable fee for supervision services that include, but are not limited to, monitoring and drug testing. The programs shall be operated pursuant to written standards approved by journal entry by the presiding judge or, in courts with only one judge, the judge of the court of common pleas and shall not be applicable to any of the following:

(1) Repeat offenders or dangerous offenders;

(2) Persons accused of an offense of violence, of a violation of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any

of the following:	12238
(a) The accused did not cause, threaten, or intend serious physical harm to any person;	12239 12240
(b) The offense was the result of circumstances not likely to recur;	12241 12242
(c) The accused has no history of prior delinquency or criminal activity;	12243 12244
(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;	12245 12246
(e) Substantial grounds tending to excuse or justify the alleged offense.	12247 12248
(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;	12249 12250
(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.	12251 12252 12253 12254 12255
(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.	12256 12257 12258
(B) An accused who enters a diversion program shall do all of the following:	12259 12260
(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred;	12261 12262 12263 12264 12265 12266
(2) Agree, in writing, to the tolling while in the program of	12267

all periods of limitation established by statutes or rules of 12268
court, that are applicable to the offense with which the accused 12269
is charged and to the conditions of the diversion program 12270
established by the prosecuting attorney; 12271

(3) Agree, in writing, to pay any reasonable fee for 12272
supervision services established by the prosecuting attorney. 12273

(C) The trial court, upon the application of the prosecuting 12274
attorney, shall order the release from confinement of any accused 12275
who has agreed to enter a pre-trial diversion program and shall 12276
discharge and release any existing bail and release any sureties 12277
on recognizances and shall release the accused on a recognizance 12278
bond conditioned upon the accused's compliance with the terms of 12279
the diversion program. The prosecuting attorney shall notify every 12280
victim of the crime and the arresting officers of the prosecuting 12281
attorney's intent to permit the accused to enter a pre-trial 12282
diversion program. The victim of the crime and the arresting 12283
officers shall have the opportunity to file written objections 12284
with the prosecuting attorney prior to the commencement of the 12285
pre-trial diversion program. 12286

(D) If the accused satisfactorily completes the diversion 12287
program, the prosecuting attorney shall recommend to the trial 12288
court that the charges against the accused be dismissed, and the 12289
court, upon the recommendation of the prosecuting attorney, shall 12290
dismiss the charges. If the accused chooses not to enter the 12291
prosecuting attorney's diversion program, or if the accused 12292
violates the conditions of the agreement pursuant to which the 12293
accused has been released, the accused may be brought to trial 12294
upon the charges in the manner provided by law, and the waiver 12295
executed pursuant to division (B)(1) of this section shall be void 12296
on the date the accused is removed from the program for the 12297
violation. 12298

(E) As used in this section: 12299

(1) "Repeat offender" means a person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that the person will commit another offense. It is prima-facie evidence that a person is a repeat offender if any of the following applies:

(a) Having been convicted of one or more offenses of violence and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense of violence;

(b) Having been convicted of one or more sexually oriented offenses as defined in section 2950.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those offenses, the person commits a subsequent sexually oriented offense;

(c) Having been convicted of one or more theft offenses as defined in section 2913.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those theft offenses, the person commits a subsequent theft offense;

(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;

(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

Sec. 2949.091. (A)(1) The court, in which any person is convicted of or pleads guilty to any offense other than a traffic offense that is not a moving violation, shall impose the sum of ~~eleven~~ fifteen dollars as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender. 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 and deposited by the treasurer of state into the general revenue fund. The court shall not waive the payment of the additional ~~eleven~~ fifteen dollars court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

(2) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act which, if committed by an adult, would be an offense other than a traffic offense that is not a moving violation, shall impose the sum of ~~eleven~~ fifteen dollars as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender. 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 and deposited by the treasurer of state into the general revenue fund. The ~~eleven~~ fifteen dollars court costs shall be collected in all cases unless the court

determines the juvenile is indigent and waives the payment of all 12361
court costs, or enters an order on its journal stating that it has 12362
determined that the juvenile is indigent, that no other court 12363
costs are to be taxed in the case, and that the payment of the 12364
~~eleven~~ fifteen dollars court costs is waived. 12365

(B) Whenever a person is charged with any offense other than 12366
a traffic offense that is not a moving violation and posts bail, 12367
the court shall add to the amount of the bail the ~~eleven~~ fifteen 12368
dollars required to be paid by division (A)(1) of this section. 12369
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 12370
court until the person is convicted, pleads guilty, forfeits bail, 12371
is found not guilty, or has the charges dismissed. If the person 12372
is convicted, pleads guilty, or forfeits bail, the clerk shall 12373
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 12374
of the month following the month in which the person was 12375
convicted, pleaded guilty, or forfeited bail to the treasurer of 12376
state, who shall deposit it into the general revenue fund. If the 12377
person is found not guilty or the charges are dismissed, the clerk 12378
shall return the ~~eleven~~ fifteen dollars to the person. 12379

(C) No person shall be placed or held in a detention facility 12380
for failing to pay the additional ~~eleven~~ fifteen dollars court 12381
costs or bail that are required to be paid by this section. 12382

(D) As used in this section: 12383

(1) "Moving violation" and "bail" have the same meanings as 12384
in section 2743.70 of the Revised Code. 12385

(2) "Detention facility" has the same meaning as in section 12386
2921.01 of the Revised Code. 12387

Sec. 3111.04. (A) An action to determine the existence or 12388
nonexistence of the father and child relationship may be brought 12389
by the child or the child's personal representative, the child's 12390

mother or her personal representative, a man alleged or alleging 12391
himself to be the child's father, the child support enforcement 12392
agency of the county in which the child resides if the child's 12393
mother is a recipient of public assistance or of services under 12394
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 12395
U.S.C.A. 651, as amended, or the alleged father's personal 12396
representative. 12397

(B) An agreement does not bar an action under this section. 12398

(C) If an action under this section is brought before the 12399
birth of the child and if the action is contested, all 12400
proceedings, except service of process and the taking of 12401
depositions to perpetuate testimony, may be stayed until after the 12402
birth. 12403

(D) A recipient of public assistance or of services under 12404
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 12405
U.S.C.A. 651, as amended, shall cooperate with the child support 12406
enforcement agency of the county in which a child resides to 12407
obtain an administrative determination pursuant to sections 12408
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 12409
determination pursuant to sections 3111.01 to 3111.18 of the 12410
Revised Code, of the existence or nonexistence of a parent and 12411
child relationship between the father and the child. If the 12412
recipient fails to cooperate, the agency may commence an action to 12413
determine the existence or nonexistence of a parent and child 12414
relationship between the father and the child pursuant to sections 12415
3111.01 to 3111.18 of the Revised Code. 12416

(E) As used in this section, "public assistance" means 12417
medical assistance under Chapter 5111. of the Revised Code, 12418
assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 12419
financial assistance under Chapter 5115. of the Revised Code, or 12420
disability medical assistance under Chapter 5115. of the Revised 12421
Code. 12422

Sec. 3111.72. (A) The contract between the department of job and family services and a local hospital shall require all of the following:

~~(A)~~(1) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital;

~~(B)~~(2) That the staff person attempt to meet with the father of the unmarried mother's child if possible;

~~(C)~~(3) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

~~(D)~~(4) That the staff person present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent that is prepared and provided by the department of job and family services pursuant to section 3111.32 of the Revised Code;

~~(E)~~(5) That the staff person provide the mother and, if possible, the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity affidavit prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code;

~~(F)~~(6) That the staff person, at the request of both the mother and father, help the mother and father complete any form or statement necessary to establish a parent and child relationship;

~~(G)~~(7) That the hospital provide a notary public to notarize an acknowledgment of paternity affidavit signed by the mother and

father; 12453

~~(H)~~(8) That the staff person present to an unmarried mother 12454
who is not participating in the Ohio works first program 12455
established under Chapter 5107. or receiving medical assistance 12456
under Chapter 5111. of the Revised Code an application for Title 12457
IV-D services; 12458

~~(I)~~(9) That the staff person forward any completed 12459
acknowledgment of paternity, no later than ten days after it is 12460
completed, to the office of child support in the department of job 12461
and family services; 12462

~~(J)~~(10) That the department of job and family services pay 12463
the hospital twenty dollars for every correctly signed and 12464
notarized acknowledgment of paternity affidavit from the hospital; 12465

(11) That, if an acknowledgment of paternity application is 12466
not completed and signed by the mother and father, at the request 12467
of either the mother or father and on completion by the mother or 12468
father of an application for services under Title IV-D of the 12469
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 12470
amended, including paternity determination, the hospital staff 12471
immediately collect genetic samples from the mother, father, and 12472
child at no cost to either parent; 12473

(12) That the department pay the hospital thirty dollars for 12474
each sample collected pursuant to division (A)(11) of this 12475
section; 12476

(13) That the department pay the cost of genetic tests of 12477
samples collected pursuant to division (A)(11) of this section. 12478

(B) The director of job and family services shall adopt rules 12479
under Chapter 119. of the Revised Code to implement this section. 12480

Sec. 3119.01. (A) As used in the Revised Code, "child support 12481
enforcement agency" means a child support enforcement agency 12482

designated under former section 2301.35 of the Revised Code prior 12483
to October 1, 1997, or a private or government entity designated 12484
as a child support enforcement agency under section 307.981 of the 12485
Revised Code. 12486

(B) As used in this chapter and Chapters 3121., 3123., and 12487
3125. of the Revised Code: 12488

(1) "Administrative child support order" means any order 12489
issued by a child support enforcement agency for the support of a 12490
child pursuant to section 3109.19 or 3111.81 of the Revised Code 12491
or former section 3111.211 of the Revised Code, section 3111.21 of 12492
the Revised Code as that section existed prior to January 1, 1998, 12493
or section 3111.20 or 3111.22 of the Revised Code as those 12494
sections existed prior to March 22, 2001. 12495

(2) "Child support order" means either a court child support 12496
order or an administrative child support order. 12497

(3) "Obligee" means the person who is entitled to receive the 12498
support payments under a support order. 12499

(4) "Obligor" means the person who is required to pay support 12500
under a support order. 12501

(5) "Support order" means either an administrative child 12502
support order or a court support order. 12503

(C) As used in this chapter: 12504

(1) "Combined gross income" means the combined gross income 12505
of both parents. 12506

(2) "Court child support order" means any order issued by a 12507
court for the support of a child pursuant to Chapter 3115. of the 12508
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 12509
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 12510
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 12511
Code, or division (B) of former section 3113.21 of the Revised 12512

Code.	12513
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	12514 12515 12516 12517 12518
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	12519 12520 12521
(5) "Income" means either of the following:	12522
(a) For a parent who is employed to full capacity, the gross income of the parent;	12523 12524
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	12525 12526 12527
(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.	12528 12529 12530 12531
(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who	12532 12533 12534 12535 12536 12537 12538 12539 12540 12541 12542 12543

is the beneficiary for any service-connected disability under a 12544
program or law administered by the United States department of 12545
veterans' affairs or veterans' administration; spousal support 12546
actually received; and all other sources of income. "Gross income" 12547
includes income of members of any branch of the United States 12548
armed services or national guard, including, amounts representing 12549
base pay, basic allowance for quarters, basic allowance for 12550
subsistence, supplemental subsistence allowance, cost of living 12551
adjustment, specialty pay, variable housing allowance, and pay for 12552
training or other types of required drills; self-generated income; 12553
and potential cash flow from any source. 12554

"Gross income" does not include any of the following: 12555

(a) Benefits received from means-tested government 12556
administered programs, including Ohio works first; prevention, 12557
retention, and contingency; means-tested veterans' benefits; 12558
supplemental security income; food stamps; disability financial 12559
assistance; or other assistance for which eligibility is 12560
determined on the basis of income or assets; 12561

(b) Benefits for any service-connected disability under a 12562
program or law administered by the United States department of 12563
veterans' affairs or veterans' administration that are not 12564
means-tested, that have not been distributed to the veteran who is 12565
the beneficiary of the benefits, and that are in the possession of 12566
the United States department of veterans' affairs or veterans' 12567
administration; 12568

(c) Child support received for children who were not born or 12569
adopted during the marriage at issue; 12570

(d) Amounts paid for mandatory deductions from wages such as 12571
union dues but not taxes, social security, or retirement in lieu 12572
of social security; 12573

(e) Nonrecurring or unsustainable income or cash flow items; 12574

(f) Adoption assistance and foster care maintenance payments 12575
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 12576
501, 42 U.S.C.A. 670 (1980), as amended. 12577

(8) "Nonrecurring or unsustainable income or cash flow item" 12578
means an income or cash flow item the parent receives in any year 12579
or for any number of years not to exceed three years that the 12580
parent does not expect to continue to receive on a regular basis. 12581
"Nonrecurring or unsustainable income or cash flow item" does not 12582
include a lottery prize award that is not paid in a lump sum or 12583
any other item of income or cash flow that the parent receives or 12584
expects to receive for each year for a period of more than three 12585
years or that the parent receives and invests or otherwise uses to 12586
produce income or cash flow for a period of more than three years. 12587

(9)(a) "Ordinary and necessary expenses incurred in 12588
generating gross receipts" means actual cash items expended by the 12589
parent or the parent's business and includes depreciation expenses 12590
of business equipment as shown on the books of a business entity. 12591

(b) Except as specifically included in "ordinary and 12592
necessary expenses incurred in generating gross receipts" by 12593
division (C)(9)(a) of this section, "ordinary and necessary 12594
expenses incurred in generating gross receipts" does not include 12595
depreciation expenses and other noncash items that are allowed as 12596
deductions on any federal tax return of the parent or the parent's 12597
business. 12598

(10) "Personal earnings" means compensation paid or payable 12599
for personal services, however denominated, and includes wages, 12600
salary, commissions, bonuses, draws against commissions, profit 12601
sharing, vacation pay, or any other compensation. 12602

(11) "Potential income" means both of the following for a 12603
parent who the court pursuant to a court support order, or a child 12604
support enforcement agency pursuant to an administrative child 12605

support order, determines is voluntarily unemployed or voluntarily	12606
underemployed:	12607
(a) Imputed income that the court or agency determines the	12608
parent would have earned if fully employed as determined from the	12609
following criteria:	12610
(i) The parent's prior employment experience;	12611
(ii) The parent's education;	12612
(iii) The parent's physical and mental disabilities, if any;	12613
(iv) The availability of employment in the geographic area in	12614
which the parent resides;	12615
(v) The prevailing wage and salary levels in the geographic	12616
area in which the parent resides;	12617
(vi) The parent's special skills and training;	12618
(vii) Whether there is evidence that the parent has the	12619
ability to earn the imputed income;	12620
(viii) The age and special needs of the child for whom child	12621
support is being calculated under this section;	12622
(ix) The parent's increased earning capacity because of	12623
experience;	12624
(x) Any other relevant factor.	12625
(b) Imputed income from any nonincome-producing assets of a	12626
parent, as determined from the local passbook savings rate or	12627
another appropriate rate as determined by the court or agency, not	12628
to exceed the rate of interest specified in division (A) of	12629
section 1343.03 of the Revised Code, if the income is significant.	12630
(12) "Schedule" means the basic child support schedule set	12631
forth in section 3119.021 of the Revised Code.	12632
(13) "Self-generated income" means gross receipts received by	12633
a parent from self-employment, proprietorship of a business, joint	12634

ownership of a partnership or closely held corporation, and rents 12635
minus ordinary and necessary expenses incurred by the parent in 12636
generating the gross receipts. "Self-generated income" includes 12637
expense reimbursements or in-kind payments received by a parent 12638
from self-employment, the operation of a business, or rents, 12639
including company cars, free housing, reimbursed meals, and other 12640
benefits, if the reimbursements are significant and reduce 12641
personal living expenses. 12642

(14) "Split parental rights and responsibilities" means a 12643
situation in which there is more than one child who is the subject 12644
of an allocation of parental rights and responsibilities and each 12645
parent is the residential parent and legal custodian of at least 12646
one of those children. 12647

(15) "Worksheet" means the applicable worksheet that is used 12648
to calculate a parent's child support obligation as set forth in 12649
sections 3119.022 and 3119.023 of the Revised Code. 12650

Sec. 3123.952. A child support enforcement agency may submit 12651
the name of a delinquent obligor to the office of child support 12652
for inclusion on a poster only if all of the following apply: 12653

(A) The obligor is subject to a support order and there has 12654
been an attempt to enforce the order through a public notice, a 12655
wage withholding order, a lien on property, a financial 12656
institution deduction order, or other court-ordered procedures. 12657

(B) The department of job and family services reviewed the 12658
obligor's records and confirms the child support enforcement 12659
agency's finding that the obligor's name and photograph may be 12660
submitted to be displayed on a poster. 12661

(C) The agency does not know or is unable to verify the 12662
obligor's whereabouts. 12663

(D) The obligor is not a participant in Ohio works first or 12664

the prevention, retention, and contingency program or a recipient 12665
of disability financial assistance, supplemental security income, 12666
or food stamps. 12667

(E) The child support enforcement agency does not have 12668
evidence that the obligor has filed for protection under the 12669
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 12670

(F) The obligee gave written authorization to the agency to 12671
display the obligor on a poster. 12672

(G) A legal representative of the agency and a child support 12673
enforcement administrator reviewed the case. 12674

(H) The agency is able to submit to the department a 12675
description and photograph of the obligor, a statement of the 12676
possible locations of the obligor, and any other information 12677
required by the department. 12678

Sec. 3301.31. As used in this section and sections 3301.32 to 12679
3301.37 of the Revised Code: 12680

(A) "Eligible individual" means an individual eligible for 12681
Title IV-A services. 12682

(B) "Head start agency" means any of the following: 12683

(1) An entity in this state that has been approved to be an 12684
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 12685
42 U.S.C. 9831, as amended; 12686

(2) A Title IV-A head start agency; 12687

(3) A Title IV-A head start plus agency. 12688

(C) "Head start program" has the same meaning as in section 12689
5104.01 of the Revised Code. 12690

(D) "Title IV-A services" means benefits and services that 12691
are allowable under Title IV-A of the "Social Security Act," as 12692
specified in 42 U.S.C.A 604(a), except that they shall not be 12693

benefits and services included in the term "assistance" as defined 12694
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 12695
excluded from the definition of the term "assistance" under 45 12696
C.F.R. 260.31(b). 12697

(E) "Title IV-A head start agency" means an agency receiving 12698
funds to operate a head start program as prescribed in section 12699
3301.34 of the Revised Code. 12700

(F) "Title IV-A head start plus agency" means an agency 12701
receiving funds to operate a head start program as prescribed in 12702
section 3301.35 of the Revised Code. 12703

Sec. 3301.33. (A) There is hereby established the Title IV-A 12704
head start program to provide head start program services to 12705
eligible individuals. 12706

(B) There is hereby established the Title IV-A head start 12707
plus program to provide year-long head start program services and 12708
child care services to eligible individuals. 12709

(C) The programs established under divisions (A) and (B) of 12710
this section shall be administered by the department of education 12711
in accordance with an interagency agreement entered into with the 12712
department of job and family services under section 5101.801 of 12713
the Revised Code. The programs shall provide Title IV-A services 12714
to eligible individuals who meet eligibility requirements 12715
established in rules and administrative orders adopted by the 12716
department of job and family services under Chapter 5104. of the 12717
Revised Code. The department of job and family services and the 12718
department of education jointly shall adopt policies and 12719
procedures establishing program requirements for eligibility, 12720
services, program administration, fiscal accountability, and other 12721
criteria necessary to comply with the provisions of Title IV-A of 12722
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 12723
as amended. 12724

The department of education shall be responsible for 12725
approving all Title IV-A head start agencies and Title IV-A head 12726
start plus agencies for provision of services under the programs 12727
established under this section. An agency that is not approved by 12728
the department shall not be reimbursed for the cost of providing 12729
services under the programs. 12730

Sec. 3301.34. In administering the Title IV-A head start 12731
program established under division (A) of section 3301.33 of the 12732
Revised Code, the department of education shall enter into a 12733
contract with each Title IV-A head start agency establishing the 12734
terms and conditions applicable to the provision of Title IV-A 12735
services for eligible individuals. The contracts shall specify the 12736
respective duties of the Title IV-A head start agencies and the 12737
department of education, reporting requirements, eligibility 12738
requirements, procedures for obtaining verification of eligibility 12739
for Title IV-A services from a county department of job and family 12740
services, reimbursement methodology, audit requirements, and other 12741
provisions determined necessary. The department of education shall 12742
reimburse the Title IV-A head start agencies for Title IV-A 12743
services provided to eligible individuals in accordance with the 12744
terms of the contract, policies and procedures adopted by the 12745
department of education and the department of job and family 12746
services under section 3301.33 of the Revised Code, and the 12747
interagency agreement entered into by the departments. 12748

The department of education shall ensure that all 12749
reimbursements paid to a Title IV-A head start agency are only for 12750
Title IV-A services. 12751

The department of education shall ensure that all 12752
reimbursements paid to a Title IV-A head start agency are for only 12753
those individuals for whom the Title IV-A head start agency has 12754
obtained verification of eligibility for Title IV-A services from 12755

the appropriate county department of job and family services, as 12756
provided for in section 3301.36 of the Revised Code. 12757

Sec. 3301.35. (A) In administering the Title IV-A head start 12758
plus program established under division (B) of section 3301.33, 12759
the department of education shall enter into a contract with each 12760
county department of job and family services to administer the 12761
program within its respective county. The county departments shall 12762
verify the eligibility for Title IV-A services of individuals and 12763
reimburse Title IV-A head start plus agencies for Title IV-A 12764
services provided to eligible individuals under the program. The 12765
department of education shall reimburse the county departments for 12766
allowable payments made to Title IV-A head start plus agencies. 12767

The contract entered into by the department of education and 12768
each county department shall specify the duties of the county 12769
department and the department of education, reporting 12770
requirements, reimbursement methodology, audit requirements, and 12771
other provisions determined necessary. The department of education 12772
shall reimburse each county department for reimbursements the 12773
county department pays to Title IV-A head start plus agencies for 12774
Title IV-A services in accordance with the terms of the contract 12775
and with policies and procedures adopted by the department of 12776
education and the state department of job and family services 12777
under section 3301.33 of the Revised Code. 12778

Each county department shall deposit all reimbursements 12779
received under this section into the county public assistance 12780
fund. 12781

(B) Each county department shall administer the program 12782
within its respective county in accordance with requirements 12783
established by the state department of job and family services 12784
under section 5101.801 of the Revised Code. The county department 12785
shall ensure that all reimbursements paid to a Title IV-A head 12786

start plus agency are for only Title IV-A services. 12787

The administration of the Title IV-A head start plus program 12788
by the county department shall include all of the following: 12789

(1) Determining eligibility of individuals and establishing 12790
co-payment requirements in accordance with rules adopted by the 12791
state department of job and family services; 12792

(2) Ensuring that any reimbursements paid by the county 12793
department to a Title IV-A head start plus agency comply with 12794
requirements of Title IV-A of the "Social Security Act," 110 Stat. 12795
2113, 42 U.S.C. 601 (1996), as amended, including eligibility of 12796
individuals, reporting requirements, allowable benefits and 12797
services, use of funds, and audit requirements, as specified in 12798
state and federal laws and regulations, United States office of 12799
management and budget circulars, and the Title IV-A state plan; 12800

(3) Monitoring each Title IV-A head start plus agency that 12801
receives funds from the county department. The county department 12802
is responsible for assuring that all Title IV-A funds are used 12803
solely for purposes allowable under federal regulations, section 12804
5101.801 of the Revised Code, and the Title IV-A state plan and 12805
shall take prompt action to recover funds that are not expended 12806
accordingly. 12807

(C) Each county department shall enter into contracts with 12808
Title IV-A head start plus agencies to provide Title IV-A services 12809
to eligible individuals who meet eligibility requirements 12810
established in rules adopted by the department of job and family 12811
services. 12812

The county department shall enter into contracts with only 12813
those agencies that have been approved by the department of 12814
education as a Title IV-A head start plus agency and that have 12815
been licensed in accordance with section 3301.37 of the Revised 12816
Code. Each contract entered into by a county department under this 12817

<u>division shall specify all of the following:</u>	12818
<u>(1) Requirements for financial management and accountability for the funds, including the prompt repayment of funds that were not spent in accordance with these requirements;</u>	12819
	12820
	12821
<u>(2) Requirements applicable to the allowable use of and accountability for Title IV-A funds;</u>	12822
	12823
<u>(3) Requirements for access, inspection, and examination of the agency's financial and program records by the county department, the state department of job and family services, the department of education, the auditor of state, and any other state or federal agency with authority to inspect and examine such records;</u>	12824
	12825
	12826
	12827
	12828
	12829
<u>(4) Audit requirements applicable to funds received under the contract;</u>	12830
	12831
<u>(5) Requirements for the prompt repayment to the county department of any funds that are the subject of any federal or state adverse audit findings;</u>	12832
	12833
	12834
<u>(6) Procedures for adjustments and reconciliation of overpayments, underpayments, advanced funds, or other accounting procedures required by the county department, state department of job and family services, or department of education;</u>	12835
	12836
	12837
	12838
<u>(7) Reimbursement rates;</u>	12839
<u>(8) Billing dates, payment dates, and other reimbursement procedures established by the county department;</u>	12840
	12841
<u>(9) Reporting requirements by and for the county department, the state department of job and family services, and the department of education;</u>	12842
	12843
	12844
<u>(10) Provisions for the county department to withhold reimbursement, or to suspend, modify, or terminate the contract if the department of education suspends or removes the agency from</u>	12845
	12846
	12847

the list of approved Title IV-A head start plus agencies or if the 12848
state department of job and family services denies or revokes a 12849
license for the agency. 12850

Sec. 3301.36. At the request of a Title IV-A head start 12851
agency or Title IV-A head start plus agency, each county 12852
department of job and family services shall provide verification 12853
of eligibility for Title IV-A services for individuals seeking 12854
Title IV-A services from the agency. 12855

Sec. 3301.37. (A) Each entity operating a head start program 12856
shall be licensed by the department of job and family services in 12857
accordance with Chapter 5104. of the Revised Code. 12858

(B) Notwithstanding division (A) of this section, any current 12859
license issued under section 3301.58 of the Revised Code by the 12860
department of education to an entity operating a head start 12861
program prior to the effective date of this section is hereby 12862
deemed to be a license issued by the department of job and family 12863
services under Chapter 5104. of the Revised Code. The expiration 12864
date of the license shall be the earlier of the expiration date 12865
specified in the license as issued under section 3301.58 of the 12866
Revised Code or July 1, 2005. In order to continue operation of 12867
its head start program after that expiration date, the entity 12868
shall obtain a license as prescribed in division (A) of this 12869
section. 12870

Sec. ~~3301.33~~ 3301.40. (A) As used in this section, "adult 12871
education" has the meaning as established under the "adult 12872
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12873
amended. 12874

(B) Beginning July 1, 1996, the department of education may 12875
distribute state funds to organizations that qualify for federal 12876
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 12877

1201 to 1213d, as amended. The funds shall be used by qualifying 12878
organizations to provide adult education services. State funds 12879
distributed pursuant to this section shall be distributed in 12880
accordance with the rules adopted by the state board of education 12881
pursuant to this section. 12882

Each organization that receives funds under this section 12883
shall file program performance reports with the department. The 12884
reports shall be filed at times required by state board of 12885
education rule and contain assessments of individual students as 12886
they enter, progress through, and exit the adult education 12887
program; records regarding individual student program 12888
participation time; reports of individual student retention rates; 12889
and any other information required by rule. 12890

(C) The state board of education shall adopt rules for the 12891
distribution of funds under this section. The rules shall include 12892
the following: 12893

(1) Requirements for program performance reports. 12894

(2) Indicators of adult education program quality, including 12895
indicators of learner achievement, program environment, program 12896
planning, curriculum and instruction, staff development, support 12897
services, and recruitment and retention. 12898

(3) A formula for the distribution of funds under this 12899
section. The formula shall include as a factor an organization's 12900
quantifiable success in meeting the indicators of program quality 12901
established pursuant to division (C)(2) of this section. 12902

(4) Standards and procedures for reducing or discontinuing 12903
funding to organizations that fail to meet the requirements of 12904
this section. 12905

(5) Any other requirements or standards considered 12906
appropriate by the board. 12907

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:	12908 12909
(A) "Preschool program" means either of the following:	12910
(1) A child day-care program for preschool children that is operated by a school district board of education, <u>or</u> an eligible nonpublic school, a head start grantee, or a head start delegate agency.	12911 12912 12913 12914
(2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board.	12915 12916
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	12917 12918
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	12919 12920 12921
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	12922 12923 12924
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	12925 12926 12927
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	12928 12929 12930
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	12931 12932 12933 12934
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of	12935 12936

the Revised Code or chartered by the state board of education for 12937
any combination of grades one through twelve, regardless of 12938
whether it also offers kindergarten. 12939

(I) "County MR/DD board" means a county board of mental 12940
retardation and developmental disabilities. 12941

(J) "School child program" means a child day-care program for 12942
only school children that is operated by a school district board 12943
of education, county MR/DD board, or eligible nonpublic school. 12944

(K) "School child" and "child day-care" have the same 12945
meanings as in section 5104.01 of the Revised Code. 12946

(L) "School child program staff member" means an employee 12947
whose primary responsibility is the care, teaching, or supervision 12948
of children in a school child program. 12949

~~(M) "Head start" means a program operated in accordance with 12950
subchapter II of the "Community Economic Development Act," 95 12951
Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto. 12952~~

Sec. 3301.53. (A) Not later than July 1, 1988, the state 12953
board of education, in consultation with the director of job and 12954
family services, shall formulate and prescribe by rule adopted 12955
under Chapter 119. of the Revised Code minimum standards to be 12956
applied to preschool programs operated by school district boards 12957
of education, county MR/DD boards, or eligible nonpublic schools, 12958
~~head start grantees, and head start delegate agencies.~~ The rules 12959
shall include the following: 12960

(1) Standards ensuring that the preschool program is located 12961
in a safe and convenient facility that accommodates the enrollment 12962
of the program, is of the quality to support the growth and 12963
development of the children according to the program objectives, 12964
and meets the requirements of section 3301.55 of the Revised Code; 12965

(2) Standards ensuring that supervision, discipline, and 12966

programs will be administered according to established objectives 12967
and procedures; 12968

(3) Standards ensuring that preschool staff members and 12969
nonteaching employees are recruited, employed, assigned, 12970
evaluated, and provided inservice education without discrimination 12971
on the basis of age, color, national origin, race, or sex; and 12972
that preschool staff members and nonteaching employees are 12973
assigned responsibilities in accordance with written position 12974
descriptions commensurate with their training and experience; 12975

(4) A requirement that boards of education intending to 12976
establish a preschool program on or after March 17, 1989, 12977
demonstrate a need for a preschool program that is not being met 12978
by any existing program providing child day-care, prior to 12979
establishing the program; 12980

(5) Requirements that children participating in preschool 12981
programs have been immunized to the extent considered appropriate 12982
by the state board to prevent the spread of communicable disease; 12983

(6) Requirements that the parents of preschool children 12984
complete the emergency medical authorization form specified in 12985
section 3313.712 of the Revised Code. 12986

(B) The state board of education in consultation with the 12987
director of job and family services shall ensure that the rules 12988
adopted by the state board under sections 3301.52 to 3301.58 of 12989
the Revised Code are consistent with and meet or exceed the 12990
requirements of Chapter 5104. of the Revised Code with regard to 12991
child day-care centers. The state board and the director of job 12992
and family services shall review all such rules at least once 12993
every five years. 12994

(C) On or before January 1, 1992, the state board of 12995
education, in consultation with the director of job and family 12996
services, shall adopt rules for school child programs that are 12997

consistent with and meet or exceed the requirements of the rules 12998
adopted for school child day-care centers under Chapter 5104. of 12999
the Revised Code. 13000

Sec. 3301.54. (A)(1) Each preschool program shall be directed 13001
and supervised by a director, a head teacher, an elementary 13002
principal, or a site administrator who is on site and responsible 13003
for supervision of the program. Except as otherwise provided in 13004
division (A)(2), (3), or (4) of this section, this person shall 13005
hold a valid educator license designated as appropriate for 13006
teaching or being an administrator in a preschool setting issued 13007
pursuant to section 3319.22 of the Revised Code and have completed 13008
at least four courses in child development or early childhood 13009
education from an accredited college, university, or technical 13010
college. 13011

(2) If the person was employed prior to July 1, 1988, by a 13012
school district board of education or an eligible nonpublic school 13013
to direct a preschool program, the person shall be considered to 13014
meet the requirements of this section if the person holds a valid 13015
kindergarten-primary certificate described under former division 13016
(A) of section 3319.22 of the Revised Code as it existed on 13017
January 1, 1996. 13018

(3) If the person is employed to direct a preschool program 13019
operated by an eligible, nontax-supported, nonpublic school, the 13020
person shall be considered to meet the requirements of this 13021
section if the person holds a valid teaching certificate issued in 13022
accordance with section 3301.071 of the Revised Code. 13023

~~(4) If the person is a site administrator for a head start 13024
grantee or head start delegate agency, the person shall be 13025
considered to meet the requirements of this section if the person 13026
provides evidence that the person has attained at least a high 13027
school diploma or certification of high school equivalency issued 13028~~

~~by the state board of education or a comparable agency of another state, and that the person meets at least one of the following requirements:~~

~~(a) Two years of experience working as a child care staff member in a child day care center or preschool program and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child care staff member in a particular day care center or preschool program and who has been promoted to or designated director shall have one year from the time the person was promoted or designated to complete the required four courses;~~

~~(b) Two years of training in an accredited college, university, or technical college that includes at least four courses in child development or early childhood education;~~

~~(c) A child development associate credential issued by the national child development associate credentialing commission;~~

~~(d) An associate or higher degree in child development or early childhood education from an accredited college, university, or technical college.~~

(B) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certification of high school equivalency issued by the state board of education or a comparable agency of another state, except that a staff member may be less than eighteen years of age if the staff member is a graduate of a two-year vocational child-care training program approved by the state board of education, or is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic

supervision from the vocational child-care training program 13060
teacher-coordinator in the student's high school. 13061

A preschool staff member shall annually complete fifteen 13062
hours of inservice training in child development or early 13063
childhood education, child abuse recognition and prevention, and 13064
first aid, and in the prevention, recognition, and management of 13065
communicable diseases, until a total of forty-five hours has been 13066
completed, unless the staff member holds an associate or higher 13067
degree in child development or early childhood education from an 13068
accredited college, university, or technical college, or any type 13069
of educator license designated as appropriate for teaching in an 13070
associate teaching position in a preschool setting issued by the 13071
state board of education pursuant to section 3319.22 of the 13072
Revised Code. 13073

Sec. 3301.55. (A) A school district, county MR/DD board, or 13074
eligible nonpublic school, ~~head start grantee, or head start~~ 13075
~~delegate agency~~ operating a preschool program shall house the 13076
program in buildings that meet the following requirements: 13077

(1) The building is operated by the district, county MR/DD 13078
board, or eligible nonpublic school, ~~head start grantee, or head~~ 13079
~~start delegate agency~~ and has been approved by the division of 13080
industrial compliance in the department of commerce or a certified 13081
municipal, township, or county building department for the purpose 13082
of operating a program for preschool children. Any such structure 13083
shall be constructed, equipped, repaired, altered, and maintained 13084
in accordance with applicable provisions of Chapters 3781. and 13085
3791. and with rules adopted by the board of building standards 13086
under Chapter 3781. of the Revised Code for the safety and 13087
sanitation of structures erected for this purpose. 13088

(2) The building is in compliance with fire and safety laws 13089
and regulations as evidenced by reports of annual school fire and 13090

safety inspections as conducted by appropriate local authorities. 13091

(3) The school is in compliance with rules established by the 13092
state board of education regarding school food services. 13093

(4) The facility includes not less than thirty-five square 13094
feet of indoor space for each child in the program. Safe play 13095
space, including both indoor and outdoor play space, totaling not 13096
less than sixty square feet for each child using the space at any 13097
one time, shall be regularly available and scheduled for use. 13098

(5) First aid facilities and space for temporary placement or 13099
isolation of injured or ill children are provided. 13100

(B) Each school district, county MR/DD board, or eligible 13101
~~nonpublic school, head start grantee, or head start delegate~~ 13102
~~agency~~ that operates, or proposes to operate, a preschool program 13103
shall submit a building plan including all information specified 13104
by the state board of education to the board not later than the 13105
first day of September of the school year in which the program is 13106
to be initiated. The board shall determine whether the buildings 13107
meet the requirements of this section and section 3301.53 of the 13108
Revised Code, and notify the superintendent of its determination. 13109
If the board determines, on the basis of the building plan or any 13110
other information, that the buildings do not meet those 13111
requirements, it shall cause the buildings to be inspected by the 13112
department of education. The department shall make a report to the 13113
superintendent specifying any aspects of the building that are not 13114
in compliance with the requirements of this section and section 13115
3301.53 of the Revised Code and the time period that will be 13116
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 13117
~~agency~~ to meet the requirements. 13118

Sec. 3301.57. (A) For the purpose of improving programs, 13119
facilities, and implementation of the standards promulgated by the 13120
state board of education under section 3301.53 of the Revised 13121

Code, the state department of education shall provide consultation 13122
and technical assistance to school districts, county MR/DD boards, 13123
and eligible nonpublic schools, ~~head start grantees, and head~~ 13124
~~start delegate agencies~~ operating preschool programs or school 13125
child programs, and inservice training to preschool staff members, 13126
school child program staff members, and nonteaching employees. 13127

(B) The department and the school district board of 13128
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 13129
~~start grantee, or head start delegate agency~~ shall jointly monitor 13130
each preschool program and each school child program. 13131

If the program receives any grant or other funding from the 13132
state or federal government, the department annually shall monitor 13133
all reports on attendance, financial support, and expenditures 13134
according to provisions for use of the funds. 13135

(C) ~~The department of job and family services and the~~ 13136
~~department of education shall enter into a contract pursuant to~~ 13137
~~which the department of education inspects preschool programs and~~ 13138
~~school child programs in accordance with sections 3301.52 to~~ 13139
~~3301.59 of the Revised Code, the rules adopted under those~~ 13140
~~sections, and any applicable procedures in Chapter 5104. of the~~ 13141
~~Revised Code and investigates any complaints filed pursuant to~~ 13142
~~those sections or rules. The contract shall require the department~~ 13143
~~of job and family services to pay the department of education for~~ 13144
~~conducting the inspections and investigations an amount equal to~~ 13145
~~the amount that the department of job and family services would~~ 13146
~~expend conducting the same number of inspections and~~ 13147
~~investigations with its employees under Chapter 5104. of the~~ 13148
~~Revised Code.~~ 13149

~~(D)~~ The department of education, at least twice during every 13150
twelve-month period of operation of a preschool program or a 13151
licensed school child program, shall inspect the program and 13152
provide a written inspection report to the superintendent of the 13153

school district, county MR/DD board, eligible nonpublic school, 13154
head start grantee, or head start delegate agency. At least one 13155
inspection shall be unannounced, and all inspections may be 13156
unannounced. No person shall interfere with any inspection 13157
conducted pursuant to this division or to the rules adopted 13158
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 13159

Upon receipt of any complaint that a preschool program or a 13160
licensed school child program is out of compliance with the 13161
requirements in sections 3301.52 to 3301.59 of the Revised Code or 13162
the rules adopted under those sections, the department shall 13163
investigate and may inspect the program. 13164

~~(E)~~(D) If a preschool program or a licensed school child 13165
program is determined to be out of compliance with the 13166
requirements of sections 3301.52 to 3301.59 of the Revised Code or 13167
the rules adopted under those sections, the department of 13168
education shall notify the appropriate superintendent, county 13169
MR/DD board, eligible nonpublic school, head start grantee, or 13170
head start delegate agency in writing regarding the nature of the 13171
violation, what must be done to correct the violation, and by what 13172
date the correction must be made. If the correction is not made by 13173
the date established by the department, it may commence action 13174
under Chapter 119. of the Revised Code to close the program or to 13175
revoke the license of the program. If a program does not comply 13176
with an order to cease operation issued in accordance with Chapter 13177
119. of the Revised Code, the department shall notify the attorney 13178
general, the prosecuting attorney of the county in which the 13179
program is located, or the city attorney, village solicitor, or 13180
other chief legal officer of the municipal corporation in which 13181
the program is located that the program is operating in violation 13182
of sections 3301.52 to 3301.59 of the Revised Code or the rules 13183
adopted under those sections and in violation of an order to cease 13184
operation issued in accordance with Chapter 119. of the Revised 13185

Code. Upon receipt of the notification, the attorney general, 13186
prosecuting attorney, city attorney, village solicitor, or other 13187
chief legal officer shall file a complaint in the court of common 13188
pleas of the county in which the program is located requesting the 13189
court to issue an order enjoining the program from operating. The 13190
court shall grant the requested injunctive relief upon a showing 13191
that the program named in the complaint is operating in violation 13192
of sections 3301.52 to 3301.59 of the Revised Code or the rules 13193
adopted under those sections and in violation of an order to cease 13194
operation issued in accordance with Chapter 119. of the Revised 13195
Code. 13196

~~(F)~~(E) The department of education shall prepare an annual 13197
report on inspections conducted under this section. The report 13198
shall include the number of inspections conducted, the number and 13199
types of violations found, and the steps taken to address the 13200
violations. The department shall file the report with the 13201
governor, the president and minority leader of the senate, and the 13202
speaker and minority leader of the house of representatives on or 13203
before the first day of January of each year, beginning in 1999. 13204

Sec. 3301.58. (A) The department of education is responsible 13205
for the licensing of preschool programs and school child programs 13206
and for the enforcement of sections 3301.52 to 3301.59 of the 13207
Revised Code and of any rules adopted under those sections. No 13208
school district board of education, county MR/DD board, or 13209
eligible nonpublic school, ~~head start grantee, or head start~~ 13210
~~delegate agency~~ shall operate, establish, manage, conduct, or 13211
maintain a preschool program without a license issued under this 13212
section. A school district board of education, county MR/DD board, 13213
or eligible nonpublic school may obtain a license under this 13214
section for a school child program. The school district board of 13215
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 13216
~~start grantee, or head start delegate agency~~ shall post the 13217

current license for each preschool program and licensed school 13218
child program it operates, establishes, manages, conducts, or 13219
maintains in a conspicuous place in the preschool program or 13220
licensed school child program that is accessible to parents, 13221
custodians, or guardians and employees and staff members of the 13222
program at all times when the program is in operation. 13223

(B) Any school district board of education, county MR/DD 13224
board, or eligible nonpublic school, ~~head start grantee, or head~~ 13225
~~start delegate agency~~ that desires to operate, establish, manage, 13226
conduct, or maintain a preschool program shall apply to the 13227
department of education for a license on a form that the 13228
department shall prescribe by rule. Any school district board of 13229
education, county MR/DD board, or eligible nonpublic school that 13230
desires to obtain a license for a school child program shall apply 13231
to the department for a license on a form that the department 13232
shall prescribe by rule. The department shall provide at no charge 13233
to each applicant for a license under this section a copy of the 13234
requirements under sections 3301.52 to 3301.59 of the Revised Code 13235
and any rules adopted under those sections. The department shall 13236
mail application forms for the renewal of a license at least one 13237
hundred twenty days prior to the date of the expiration of the 13238
license, and the application for renewal of a license shall be 13239
filed with the department at least sixty days before the date of 13240
the expiration of the existing license. The department may 13241
establish application fees by rule adopted under Chapter 119. of 13242
the Revised Code, and all applicants for a license shall pay any 13243
fee established by the department at the time of making an 13244
application for a license. All fees collected pursuant to this 13245
section shall be paid into the state treasury to the credit of the 13246
general revenue fund. 13247

(C) Upon the filing of an application for a license, the 13248
department of education shall investigate and inspect the 13249

preschool program or school child program to determine the license 13250
capacity for each age category of children of the program and to 13251
determine whether the program complies with sections 3301.52 to 13252
3301.59 of the Revised Code and any rules adopted under those 13253
sections. When, after investigation and inspection, the department 13254
of education is satisfied that sections 3301.52 to 3301.59 of the 13255
Revised Code and any rules adopted under those sections are 13256
complied with by the applicant, the department of education shall 13257
issue the program a provisional license as soon as practicable in 13258
the form and manner prescribed by the rules of the department. The 13259
provisional license shall be valid for six months from the date of 13260
issuance unless revoked. 13261

(D) The department of education shall investigate and inspect 13262
a preschool program or school child program that has been issued a 13263
provisional license at least once during operation under the 13264
provisional license. If, after the investigation and inspection, 13265
the department of education determines that the requirements of 13266
sections 3301.52 to 3301.59 of the Revised Code and any rules 13267
adopted under those sections are met by the provisional licensee, 13268
the department of education shall issue a license that is 13269
effective for two years from the date of the issuance of the 13270
provisional license. 13271

(E) Upon the filing of an application for the renewal of a 13272
license by a preschool program or school child program, the 13273
department of education shall investigate and inspect the 13274
preschool program or school child program. If the department of 13275
education determines that the requirements of sections 3301.52 to 13276
3301.59 of the Revised Code and any rules adopted under those 13277
sections are met by the applicant, the department of education 13278
shall renew the license for two years from the date of the 13279
expiration date of the previous license. 13280

(F) The license or provisional license shall state the name 13281

of the school district board of education, county MR/DD board, or 13282
eligible nonpublic school, ~~head start grantee, or head start~~ 13283
~~delegate agency~~ that operates the preschool program or school 13284
child program and the license capacity of the program. The license 13285
shall include any other information required by section 5104.03 of 13286
the Revised Code for the license of a child day-care center. 13287

(G) The department of education may revoke the license of any 13288
preschool program or school child program that is not in 13289
compliance with the requirements of sections 3301.52 to 3301.59 of 13290
the Revised Code and any rules adopted under those sections. 13291

(H) If the department of education revokes a license or 13292
refuses to renew a license to a program, the department shall not 13293
issue a license to the program within two years from the date of 13294
the revocation or refusal. All actions of the department with 13295
respect to licensing preschool programs and school child programs 13296
shall be in accordance with Chapter 119. of the Revised Code. 13297

Sec. 3301.80. (A) There is hereby created the ~~Ohio SchoolNet~~ 13298
~~commission as an independent agency~~ office within the department 13299
of education. The ~~commission~~ office shall administer programs to 13300
provide financial and other assistance to school districts and 13301
other educational institutions for the acquisition and utilization 13302
of educational technology. 13303

~~The commission is a body corporate and politic, an agency of~~ 13304
~~the state performing essential governmental functions of the~~ 13305
~~state.~~ 13306

(B)(1) ~~The commission shall consist of eleven members, seven~~ 13307
~~of whom are voting members. Of the voting members, one shall be~~ 13308
~~appointed by the speaker of the house of representatives and one~~ 13309
~~shall be appointed by the president of the senate. The members~~ 13310
~~appointed by the speaker of the house and the president of the~~ 13311
~~senate shall not be members of the general assembly. The state~~ 13312

~~superintendent of public instruction or a designee of the 13313
superintendent, the director of budget and management or a 13314
designee of the director, the director of administrative services 13315
or a designee of the director, the chairperson of the public 13316
utilities commission or a designee of the chairperson, and the 13317
director of the Ohio educational telecommunications network 13318
commission or a designee of the director shall serve on the 13319
commission as ex officio voting members. Of the nonvoting members, 13320
two shall be members of the house of representatives appointed by 13321
the speaker of the house and two shall be members of the senate 13322
appointed by the president of the senate. The members appointed 13323
from each house shall not be members of the same political party. 13324
The commission shall appoint officers from among its members. 13325~~

~~(2) The members shall serve without compensation. The voting 13326
members appointed by the speaker of the house of representatives 13327
and the president of the senate shall be reimbursed, pursuant to 13328
office of budget and management guidelines, for necessary expenses 13329
incurred in the performance of official duties. 13330~~

~~(3) The terms of office for the members appointed by the 13331
speaker of the house and the president of the senate shall be for 13332
two years, with each term ending on the same day of the same month 13333
as did the term that it succeeds, except that the voting members 13334
so appointed may be removed at anytime by their respective 13335
appointing authority. The members appointed by the speaker of the 13336
house and the president of the senate may be reappointed. Any 13337
member appointed from the house of representatives or senate who 13338
ceases to be a member of the legislative house from which the 13339
member was appointed shall cease to be a member of the commission. 13340
Vacancies among appointed members shall be filled in the manner 13341
provided for original appointments. Any member appointed to fill a 13342
vacancy occurring prior to the expiration date of the term for 13343
which a predecessor was appointed shall hold office as a member 13344~~

~~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 office 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 superintendent of public instruction, who shall direct commission office 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 office shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director superintendent 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~~ superintendent.~~

~~(3) The employees of the Ohio SchoolNet commission office 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)(C) The Ohio SchoolNet commission office 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; 13376

(2) Contract with ~~the department of education~~, state 13377
institutions of higher education, private nonprofit institutions 13378
of higher education holding certificates of authorization under 13379
section 1713.02 of the Revised Code, and such other public or 13380
private entities as the ~~executive director~~ superintendent deems 13381
necessary for the administration and implementation of the 13382
programs ~~under~~ administered by the commission's jurisdiction 13383
office; 13384

(3) Establish a reporting system to which school districts, 13385
community schools established under Chapter 3314. of the Revised 13386
Code, and other educational institutions receiving financial 13387
assistance pursuant to this section for the acquisition of 13388
educational technology report information as to the manner in 13389
which such assistance was expended, the manner in which the 13390
equipment or services purchased with the assistance is being 13391
utilized, the results or outcome of this utilization, and other 13392
information as may be required by the ~~commission~~ office; 13393

(4) Establish necessary guidelines governing purchasing and 13394
procurement by participants in programs administered by the 13395
~~commission~~ office that facilitate the timely and effective 13396
implementation of such programs; 13397

(5) Take into consideration the efficiency and cost savings 13398
of statewide procurement prior to allocating and releasing funds 13399
for any programs under its administration. 13400

~~(E)(1) The executive director shall implement policies and 13401
directives issued by the Ohio SchoolNet commission. 13402~~

~~(2)(D)~~ (D) The Ohio SchoolNet ~~commission~~ office may establish a 13403
systems support network to facilitate the timely implementation of 13404
the programs, projects, or activities for which it provides 13405
assistance. 13406

~~(3)(E)~~ Chapters 123., 124., 125., and 153., and sections 13407
9.331, 9.332, and 9.333 of the Revised Code do not apply to 13408
contracts, programs, projects, or activities of the ~~Ohio SchoolNet~~ 13409
~~commission~~ office. 13410

Sec. 3301.801. (A) The ~~Ohio SchoolNet commission~~ department 13411
of education shall create and maintain a clearinghouse for 13412
classroom teachers, including any classroom teachers employed by 13413
community schools established under Chapter 3314. of the Revised 13414
Code, to easily obtain lesson plans and materials and other 13415
practical resources for use in classroom teaching. The ~~commission~~ 13416
department shall develop a method of obtaining submissions, from 13417
classroom teachers and others, of such plans, materials, and other 13418
resources that have been used in the classroom and that can be 13419
readily used and implemented by classroom teachers in their 13420
regular teaching activities. The ~~commission~~ department also shall 13421
develop methods of informing classroom teachers of both the 13422
availability of such plans, materials, and other resources, and of 13423
the opportunity to submit such plans, materials, and other 13424
resources and other classroom teaching ideas to the clearinghouse. 13425

The department ~~of education~~ shall regularly identify 13426
research-based practices concerned with scheduling and allotting 13427
instructional time and ~~submit~~ include such practices ~~to the~~ 13428
~~commission for inclusion~~ in the clearinghouse. 13429

The ~~commission~~ department shall periodically report to the 13430
speaker and minority leader of the house of representatives, the 13431
president and minority leader of the senate, and the chairpersons 13432
and ranking minority members of the education committees of the 13433
senate and the house of representatives regarding the 13434
clearinghouse and make recommendations for changes in state law or 13435
administrative rules that may facilitate the usefulness of the 13436
clearinghouse. 13437

(B) Not later than one year after ~~the effective date of this~~ 13438
~~amendment~~ September 11, 2001, the department ~~of education~~ shall 13439
identify research studies on academic intervention and prevention 13440
practices that have been successful in improving the academic 13441
performance of students from different ethnic and socioeconomic 13442
groups, develop an annotated bibliography of such studies, and 13443
~~provide that bibliography to the Ohio SchoolNet commission. The~~ 13444
~~commission shall~~ promptly make the bibliography available to 13445
school districts as a part of the clearinghouse established under 13446
this section. 13447

Sec. 3311.52. A cooperative education school district may be 13448
established pursuant to divisions (A) to (C) of this section or 13449
pursuant to section 3311.521 of the Revised Code. 13450

(A) A cooperative education school district may be 13451
established upon the adoption of identical resolutions within a 13452
sixty-day period by a majority of the members of the board of 13453
education of each city, local, and exempted village school 13454
district that is within the territory of a county school financing 13455
district. 13456

A copy of each resolution shall be filed with the board of 13457
education of the educational service center which created the 13458
county school financing district. Upon the filing of the last such 13459
resolution, the educational service center governing board shall 13460
immediately notify each board of education filing such a 13461
resolution of the date on which the last resolution was filed. 13462

Ten days after the date on which the last resolution is filed 13463
with the educational service center governing board or ten days 13464
after the last of any notices required under division (C) of this 13465
section is received by the educational service center governing 13466
board, whichever is later, the county school financing district 13467
shall be dissolved and the new cooperative education school 13468

district and the board of education of the cooperative education 13469
school district shall be established. 13470

On the date that any county school financing district is 13471
dissolved and a cooperative education school district is 13472
established under this section, each of the following shall apply: 13473

(1) The territory of the dissolved district becomes the 13474
territory of the new district. 13475

(2) Any outstanding tax levy in force in the dissolved 13476
district shall be spread over the territory of the new district 13477
and shall remain in force in the new district until the levy 13478
expires or is renewed. 13479

(3) Any funds of the dissolved district shall be paid over in 13480
full to the new district. 13481

(4) Any net indebtedness of the dissolved district shall be 13482
assumed in full by the new district. As used in division (A)(4) of 13483
this section, "net indebtedness" means the difference between the 13484
par value of the outstanding and unpaid bonds and notes of the 13485
dissolved district and the amount held in the sinking fund and 13486
other indebtedness retirement funds for their redemption. 13487

When a county school financing district is dissolved and a 13488
cooperative education school district is established under this 13489
section, the governing board of the educational service center 13490
that created the dissolved district shall give written notice of 13491
this fact to the county auditor and the board of elections of each 13492
county having any territory in the new district. 13493

(B) The resolutions adopted under division (A) of this 13494
section shall include all of the following provisions: 13495

(1) Provision that the governing board of the educational 13496
service center which created the county school financing district 13497
shall be the board of education of the cooperative education 13498

school district, except that provision may be made for the 13499
composition, selection, and terms of office of an alternative 13500
board of education of the cooperative district, which board shall 13501
include at least one member selected from or by the members of the 13502
board of education of each city, local, and exempted village 13503
school district and at least one member selected from or by the 13504
members of the educational service center governing board within 13505
the territory of the cooperative district; 13506

(2) Provision that the treasurer and superintendent of the 13507
educational service center which created the county school 13508
financing district shall be the treasurer and superintendent of 13509
the cooperative education school district, except that provision 13510
may be made for the selection of a treasurer or superintendent of 13511
the cooperative district other than the treasurer or 13512
superintendent of the educational service center, which provision 13513
shall require one of the following: 13514

(a) The selection of one person as both the treasurer and 13515
superintendent of the cooperative district, which provision may 13516
require such person to be the treasurer or superintendent of any 13517
city, local, or exempted village school district or educational 13518
service center within the territory of the cooperative district; 13519

(b) The selection of one person as the treasurer and another 13520
person as the superintendent of the cooperative district, which 13521
provision may require either one or both such persons to be 13522
treasurers or superintendents of any city, local, or exempted 13523
village school districts or educational service center within the 13524
territory of the cooperative district. 13525

(3) A statement of the educational program the board of 13526
education of the cooperative education school district will 13527
conduct, including but not necessarily limited to the type of 13528
educational program, the grade levels proposed for inclusion in 13529
the program, the timetable for commencing operation of the 13530

program, and the facilities proposed to be used or constructed to 13531
be used by the program; 13532

(4) A statement of the annual amount, or the method for 13533
determining that amount, of funds or services or facilities that 13534
each city, local, and exempted village school district within the 13535
territory of the cooperative district is required to pay to or 13536
provide for the use of the board of education of the cooperative 13537
education school district; 13538

(5) Provision for adopting amendments to the provisions of 13539
divisions (B)(2) to (4) of this section. 13540

(C) If the resolutions adopted under division (A) of this 13541
section provide for a board of education of the cooperative 13542
education school district that is not the governing board of the 13543
educational service center that created the county school 13544
financing district, each board of education of each city, local, 13545
or exempted village school district and the governing board of the 13546
educational service center within the territory of the cooperative 13547
district shall, within thirty days after the date on which the 13548
last resolution is filed with the educational service center 13549
governing board under division (A) of this section, select one or 13550
more members of the board of education of the cooperative district 13551
as provided in the resolutions filed with the educational service 13552
center governing board. Each such board shall immediately notify 13553
the educational ~~services~~ service center governing board of each 13554
such selection. 13555

(D) Except for the powers and duties in this chapter and 13556
Chapters 124., 3317., 3318., 3323., and 3331. of the Revised Code, 13557
a cooperative education school district established pursuant to 13558
divisions (A) to (C) of this section or pursuant to section 13559
3311.521 of the Revised Code has all the powers of a city school 13560
district and its board of education has all the powers and duties 13561
of a board of education of a city school district with respect to 13562

the educational program specified in the resolutions adopted under 13563
division (A) of this section. All laws applicable to a city school 13564
district or the board of education or the members of the board of 13565
education of a city school district, except such laws in this 13566
chapter and Chapters 124., 3317., 3318., 3323., and 3331. of the 13567
Revised Code, are applicable to a cooperative education school 13568
district and its board. 13569

The treasurer and superintendent of a cooperative education 13570
school district shall have the same respective duties and powers 13571
as a treasurer and superintendent of a city school district, 13572
except for any powers and duties in this chapter and Chapters 13573
124., 3317., 3318., 3323., and 3331. of the Revised Code. 13574

(E) For purposes of this title, any student included in the 13575
formula ADM or average daily attendance certified for any city, 13576
exempted village, or local school district under section 3317.03 13577
or 3317.034 of the Revised Code by virtue of being counted, in 13578
whole or in part, in the average daily membership or average daily 13579
attendance of a cooperative education school district under 13580
~~division (A)(2)(f) of that~~ either section shall be construed to be 13581
enrolled both in that city, exempted village, or ~~village~~ local 13582
school district and in that cooperative education school district. 13583
This division shall not be construed to mean that any such 13584
individual student may be counted more than once for purposes of 13585
determining the average daily membership or average daily 13586
attendance of any one school district. 13587

Sec. 3313.647. As used in this division, "graduate" means a 13588
person who has received a diploma from a district pursuant to 13589
section 3313.61 of the Revised Code. 13590

Pursuant to rules adopted by the state board of education, a 13591
city, local, exempted village, or joint vocational school district 13592
may establish a policy guaranteeing a specific level of competency 13593

of certain graduates of the district. The guarantee policy shall 13594
specify that any graduate meeting specified criteria established 13595
by the board is capable of performing specified functions at a 13596
level established in the policy. Any employer or potential 13597
employer of a graduate who is guaranteed under such a policy may 13598
submit a written statement to the board of education stating the 13599
guaranteed graduate of its district does not meet the level of 13600
competency specified in the district's guarantee policy. Upon 13601
receipt of such statement the board of education shall provide an 13602
opportunity for additional education to the graduate, regardless 13603
of the graduate's age or place of residence, until such individual 13604
attains the competency level specified in the policy. No fee shall 13605
be charged to any person or government entity for such additional 13606
education. A school board may expend school funds for a guarantee 13607
program; however, no student participating in the program shall be 13608
included in the formula ADM or average daily attendance of the 13609
district as determined under section 3317.03 or 3317.034 of the 13610
Revised Code or included as a participant in any other program, if 13611
such inclusion would result in additional state funds to the 13612
school district. 13613

The state board of education shall adopt rules for the 13614
adoption of a policy under this section and for the additional 13615
education program described under this section. 13616

Sec. 3313.90. As used in this section, "formula ADM" ~~has~~ and 13617
"average daily attendance" have the same ~~meaning~~ meanings as in 13618
section 3317.02 of the Revised Code. Notwithstanding division (D) 13619
of section 3311.19 and division (D) of section 3311.52 of the 13620
Revised Code, the provisions of this section that apply to a city 13621
school district do not apply to any joint vocational or 13622
cooperative education school district. 13623

(A) Each city, local, and exempted village school district 13624

shall, by one of the following means, provide vocational education 13625
adequate to prepare a pupil enrolled therein for an occupation: 13626

(1) Establishing and maintaining a vocational education 13627
program that meets standards adopted by the state board of 13628
education; 13629

(2) Being a member of a joint vocational school district that 13630
meets standards adopted by the state board; 13631

(3) Contracting for vocational education with a joint 13632
vocational school district or another school district that meets 13633
the standards adopted by the state board. 13634

The standards of the state board of education shall include 13635
criteria for the participation by nonpublic students in vocational 13636
education programs without financial assessment, charge, or 13637
tuition to such student except such assessments, charges, or 13638
tuition paid by resident public school students in such programs. 13639
Such nonpublic school students shall be included in the formula 13640
ADM or average daily attendance of the school district maintaining 13641
the vocational education program as part-time students in 13642
proportion to the time spent in the vocational education program. 13643

By the thirtieth day of October of each year, the 13644
superintendent of public instruction shall determine and certify 13645
to the superintendent of each school district subject to this 13646
section either that the district is in compliance with the 13647
requirements of this section for the current school year or that 13648
the district is not in compliance. If the superintendent certifies 13649
that the district is not in compliance, he shall notify the board 13650
of education of the district of the actions necessary to bring the 13651
district into compliance with this section. 13652

In meeting standards established by the state board of 13653
education, school districts, where practicable, shall provide 13654
vocational programs in high schools. A minimum enrollment of 13655

fifteen hundred pupils in grades nine through twelve is 13656
established as a base for comprehensive vocational course 13657
offerings. A school district may meet this requirement alone, 13658
through a cooperative arrangement pursuant to section 3313.92 of 13659
the Revised Code, through school district consolidation, by 13660
membership in a joint vocational school district, by contract with 13661
a school district, by contract with a school licensed by any state 13662
agency established by the Revised Code which school operates its 13663
courses offered for contracting with public schools under 13664
standards as to staffing and facilities comparable to those 13665
prescribed by the state board of education for public schools 13666
provided no instructor in such courses shall be required to be 13667
certificated by the state department of education, or in a 13668
combination of such ways. Exceptions to the minimum requirement of 13669
fifteen hundred pupils may be made by the state board of education 13670
based on sparsity of population or other factors indicating that 13671
comprehensive educational and vocational programs as required by 13672
this section can be provided through an alternate plan. 13673

(B) Approval of state funds for the construction and 13674
operation of vocational facilities in any city, local, or exempted 13675
village school district shall be contingent upon a comprehensive 13676
vocational program plan approved by the state board of education 13677
no later than July 1, 1970. The state board of education shall not 13678
approve a school district plan unless the plan proposed reasonably 13679
meets the vocational needs of other school districts in the 13680
general area of the school districts in the general area of the 13681
school district submitting the plan. The plan shall be submitted 13682
to the state board of education no later than April 1, 1970. Such 13683
plan shall contain: 13684

(1) The organization for vocational education pursuant to the 13685
requirements of this section; 13686

(2) Vocational programs to be offered in the respective 13687

comprehensive high schools, in specialized schools or skill centers, and in joint vocational schools; 13688
13689

(3) Remodeled, additional, and new vocational facilities required at the respective locations. 13690
13691

In approving the organization for vocational education the state board of education shall provide that no city, local, or exempted village school district is excluded in the statewide plan. 13692
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Sec. 3313.41. (A) Except as provided in divisions (C), (D), (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. 13696
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(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. 13708
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(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 13715
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respectively defined in divisions (A) and (C) of section 5705.01 13719
of the Revised Code, township park district, board of park 13720
commissioners established under Chapter 755. of the Revised Code, 13721
or park district established under Chapter 1545. of the Revised 13722
Code; to a wholly or partially tax-supported university, 13723
university branch, or college; or to the board of trustees of a 13724
school district library, upon such terms as are agreed upon. The 13725
sale of real or personal property to the board of trustees of a 13726
school district library is limited, in the case of real property, 13727
to a school district library within whose boundaries the real 13728
property is situated, or, in the case of personal property, to a 13729
school district library whose boundaries lie in whole or in part 13730
within the school district of the selling board of education. 13731

(D) When a board of education decides to trade as a part or 13732
an entire consideration, an item of personal property on the 13733
purchase price of an item of similar personal property, it may 13734
trade the same upon such terms as are agreed upon by the parties 13735
to the trade. 13736

(E) The president and the treasurer of the board of education 13737
shall execute and deliver deeds or other necessary instruments of 13738
conveyance to complete any sale or trade under this section. 13739

(F) When a board of education has identified a parcel of real 13740
property that it determines is needed for school purposes, the 13741
board may, upon a majority vote of the members of the board, 13742
acquire that property by exchanging real property that the board 13743
owns in its corporate capacity for the identified real property or 13744
by using real property that the board owns in its corporate 13745
capacity as part or an entire consideration for the purchase price 13746
of the identified real property. Any exchange or acquisition made 13747
pursuant to this division shall be made by a conveyance executed 13748
by the president and the treasurer of the board. 13749

(G)(1) When a school district board of education decides to 13750

dispose of real property suitable for use as classroom space, 13751
prior to disposing of such property under division (A) through (F) 13752
of this section, it shall first offer that property for sale to 13753
the governing authorities of the start-up community schools, 13754
established under Chapter 3314. of the Revised Code and located 13755
within the territory of the school district, at a price that is 13756
not higher than the appraised fair market value of that property. 13757
If more than one community school governing authority accepts the 13758
offer made by the school district board, the board shall sell the 13759
property to the governing authority that accepted the offer first 13760
in time. If no community school governing authority accepts the 13761
offer within sixty days after the offer is made by the school 13762
district board, the board may dispose of the property in the 13763
applicable manner prescribed under divisions (A) to (F) of this 13764
section. 13765

(2) If disposal of real property is planned as a part of a 13766
school district project under Chapter 3318. of the Revised Code, 13767
the Ohio school facilities commission shall not release any state 13768
funds to a school district until the district has complied with 13769
the provisions of division (G)(1) of this section. 13770

Sec. 3313.979. Each scholarship ~~or grant~~ to be used for 13771
payments to a registered private school ~~or to an approved tutorial 13772~~
~~assistance provider~~ is payable to the parents of the student 13773
entitled to the scholarship ~~or grant~~. Each scholarship to be used 13774
for payments to a public school in an adjacent school district is 13775
payable to the school district of attendance by the superintendent 13776
of public instruction. Each grant to be used for payments to an 13777
approved tutorial assistance provider is payable to the approved 13778
tutorial assistance provider. 13779

(A)(1) By the fifteenth day of each month of the school year 13780
that any scholarship students are enrolled in a registered private 13781

school, the chief administrator of that school shall notify the 13782
state superintendent of: 13783

(a) The number of students who were reported to the school 13784
district as having been admitted by that private school pursuant 13785
to division (A)(2)(b) of section 3313.978 of the Revised Code and 13786
who were still enrolled in the private school as of the first day 13787
of such month, and the numbers of such students who qualify for 13788
seventy-five and ninety per cent of the scholarship amount; 13789

(b) The number of students who were reported to the school 13790
district as having been admitted by another private school 13791
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 13792
Code and since the date of admission have transferred to the 13793
school providing the notification under division (A)(1) of this 13794
section, and the numbers of such students who qualify for 13795
seventy-five and ninety per cent of the scholarship amount. 13796

(2) From time to time, the state superintendent shall make a 13797
payment to the parent of each student entitled to a scholarship. 13798
Each payment shall include for each student reported under 13799
division (A)(1) of this section, a portion of seventy-five or 13800
ninety per cent, as applicable, of the scholarship amount 13801
specified in divisions (C)(1) and (2) of section 3313.978 of the 13802
Revised Code. This amount shall be proportionately reduced in the 13803
case of any such student who is not enrolled in a registered 13804
private school for the entire school year. 13805

(3) The first payment under this division shall be made by 13806
the last day of November and shall equal one-third of seventy-five 13807
or ninety per cent, as applicable, of the estimated total amount 13808
that will be due to the parent for the school year pursuant to 13809
division (A)(2) of this section. 13810

(B) The state superintendent, on behalf of the parents of a 13811
scholarship student enrolled in a public school in an adjacent 13812

school district pursuant to section 3327.06 of the Revised Code, 13813
shall make the tuition payments required by that section to the 13814
school district admitting the student, except that, 13815
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 13816
Revised Code, the total payments in any school year shall not 13817
exceed seventy-five or ninety per cent, as applicable, of the 13818
scholarship amount provided in divisions (C)(1) and (2) of section 13819
3313.978 of the Revised Code. 13820

(C) Whenever an approved provider provides tutorial 13821
assistance to a student, the state superintendent shall pay the 13822
~~parent~~ approved provider for such costs upon receipt of a 13823
statement ~~from the parent~~ specifying the services provided and the 13824
costs of the services, which statement shall be signed by the 13825
provider and verified by the chief administrator having 13826
supervisory control over the tutoring site. The total payments to 13827
any ~~parent~~ approved provider under this division for all provider 13828
services to any individual student in any school year shall not 13829
exceed seventy-five or ninety per cent, as applicable, of the 13830
grant amount provided in division (C)(3) of section 3313.978 of 13831
the Revised Code. 13832

Sec. 3313.981. (A) The state board shall adopt rules 13833
requiring all of the following: 13834

(1) The board of education of each city, exempted village, 13835
and local school district to annually report to the department of 13836
education all of the following: 13837

(a) The number of adjacent district or other district 13838
students, as applicable, and adjacent district or other district 13839
joint vocational students, as applicable, enrolled in the district 13840
and the number of native students enrolled in adjacent or other 13841
districts, in accordance with a policy adopted under division (B) 13842
of section 3313.98 of the Revised Code; 13843

(b) Each adjacent district or other district student's or	13844
adjacent district or other district joint vocational student's	13845
date of enrollment in the district;	13846
(c) The full-time equivalent number of adjacent district or	13847
other district students enrolled in vocational education programs	13848
or classes described in division (A) of section 3317.014 of the	13849
Revised Code and the full-time equivalent number of such students	13850
enrolled in vocational education programs or classes described in	13851
division (B) of that section;	13852
(d) Each native student's date of enrollment in an adjacent	13853
or other district.	13854
(2) The board of education of each joint vocational school	13855
district to annually report to the department all of the	13856
following:	13857
(a) The number of adjacent district or other district joint	13858
vocational students, as applicable, enrolled in the district;	13859
(b) The full-time equivalent number of adjacent district or	13860
other district joint vocational students enrolled in vocational	13861
education programs or classes described in division (A) of section	13862
3317.014 of the Revised Code and the full-time equivalent number	13863
of such students enrolled in vocational education programs or	13864
classes described in division (B) of that section;	13865
(c) For each adjacent district or other district joint	13866
vocational student, the city, exempted village, or local school	13867
district in which the student is also enrolled.	13868
(3) Prior to the first full school week in October each year,	13869
the superintendent of each city, local, or exempted village school	13870
district that admits adjacent district or other district students	13871
or adjacent district or other district joint vocational students	13872
in accordance with a policy adopted under division (B) of section	13873

3313.98 of the Revised Code to notify each adjacent or other 13874
district where those students are entitled to attend school under 13875
section 3313.64 or 3313.65 of the Revised Code of the number of 13876
the adjacent or other district's native students who are enrolled 13877
in the superintendent's district under the policy. 13878

The rules shall provide for the method of counting students 13879
who are enrolled for part of a school year in an adjacent or other 13880
district or as an adjacent district or other district joint 13881
vocational student. 13882

(B) From the payments made to a city, exempted village, or 13883
local school district under Chapter 3317. of the Revised Code, the 13884
department of education shall annually subtract both of the 13885
following: 13886

(1) An amount equal to the number of the district's native 13887
students reported under division (A)(1) of this section who are 13888
enrolled in adjacent or other school districts pursuant to 13889
policies adopted by such districts under division (B) of section 13890
3313.98 of the Revised Code multiplied by the adjusted formula 13891
amount for the district; 13892

(2) The excess costs computed in accordance with division (E) 13893
of this section for any such native students receiving special 13894
education and related services in adjacent or other school 13895
districts or as an adjacent district or other district joint 13896
vocational student; 13897

(3) For the full-time equivalent number of the district's 13898
native students reported under division (A)(1)(c) or (2)(b) of 13899
this section as enrolled in vocational education programs or 13900
classes described in section 3317.014 of the Revised Code, an 13901
amount equal to the formula amount times the applicable multiple 13902
prescribed by that section. 13903

(C) To the payments made to a city, exempted village, or 13904

local school district under Chapter 3317. of the Revised Code, the 13905
department of education shall annually add all of the following: 13906

(1) An amount equal to the adjusted formula amount for the 13907
district multiplied by the remainder obtained by subtracting the 13908
number of adjacent district or other district joint vocational 13909
students from the number of adjacent district or other district 13910
students enrolled in the district, as reported under division 13911
(A)(1) of this section; 13912

(2) The excess costs computed in accordance with division (E) 13913
of this section for any adjacent district or other district 13914
students, except for any adjacent or other district joint 13915
vocational students, receiving special education and related 13916
services in the district; 13917

(3) For the full-time equivalent number of the adjacent or 13918
other district students who are not adjacent district or other 13919
district joint vocational students and are reported under division 13920
(A)(1)(c) of this section as enrolled in vocational education 13921
programs or classes described in section 3317.014 of the Revised 13922
Code, an amount equal to the formula amount times the applicable 13923
multiple prescribed by that section; 13924

(4) An amount equal to the number of adjacent district or 13925
other district joint vocational students reported under division 13926
(A)(1) of this section multiplied by an amount equal to one-fourth 13927
of the adjusted formula amount for the district. 13928

(D) To the payments made to a joint vocational school 13929
district under Chapter 3317. of the Revised Code, the department 13930
of education shall add, for each adjacent district or other 13931
district joint vocational student reported under division (A)(2) 13932
of this section, both of the following: 13933

(1) An amount equal to the adjusted formula amount of the 13934
city, exempted village, or local school district in which the 13935

student is also enrolled; 13936

(2) An amount equal to the full-time equivalent number of 13937
students reported pursuant to division (A)(2)(b) of this section 13938
times the formula amount times the applicable multiple prescribed 13939
by section 3317.014 of the Revised Code. 13940

(E)(1) A city, exempted village, or local school board 13941
providing special education and related services to an adjacent or 13942
other district student in accordance with an IEP shall, pursuant 13943
to rules of the state board, compute the excess costs to educate 13944
such student as follows: 13945

(a) Subtract the adjusted formula amount for the district 13946
from the actual costs to educate the student; 13947

(b) From the amount computed under division (E)(1)(a) of this 13948
section subtract the amount of any funds received by the district 13949
under Chapter 3317. of the Revised Code to provide special 13950
education and related services to the student. 13951

(2) The board shall report the excess costs computed under 13952
this division to the department of education. 13953

(3) If any student for whom excess costs are computed under 13954
division (E)(1) of this section is an adjacent or other district 13955
joint vocational student, the department of education shall add 13956
the amount of such excess costs to the payments made under Chapter 13957
3317. of the Revised Code to the joint vocational school district 13958
enrolling the student. 13959

(F) As provided in division (D)(1)(b) of section 3317.03 and 13960
division (A)(2)(d) of section 3317.034 of the Revised Code, no 13961
joint vocational school district shall count any adjacent or other 13962
district joint vocational student enrolled in the district in its 13963
formula ADM or average daily attendance certified under section 13964
3317.03 or 3317.034 of the Revised Code. 13965

(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, ~~if~~ for the same school ~~year~~ month that the student is counted in the district's ~~formula-ADM~~ average daily attendance certified under section ~~3317.03~~ 3317.034 of the Revised Code.

(H) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under division (D) of section 3317.022 of the Revised Code for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "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. No. 215 of

the 122nd general assembly.	13997
(3) "Challenged school district" means any of the following:	13998
(a) A school district that is part of the pilot project area;	13999
(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;	14000 14001 14002
(c) A big eight school district;	14003
(d) An urban school district.	14004
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	14005 14006
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	14007 14008 14009 14010
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	14011 14012 14013
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	14014 14015 14016 14017
(6) "Urban school district" means one of the state's twenty-one 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.	14018 14019 14020 14021
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work <u>participate</u> primarily from their residences on assignments in non-classroom-based learning opportunities provided via an internet- or other computer-based instructional	14022 14023 14024 14025 14026

~~method that does not rely on regular classroom instruction~~ 14027
methods. 14028

(B) Any person or group of individuals may initially propose 14029
under this division the conversion of all or a portion of a public 14030
school to a community school. No conversion community school shall 14031
be an internet- or computer-based community school. The proposal 14032
shall be made to the board of education of the city, local, or 14033
exempted village school district in which the public school is 14034
proposed to be converted. Upon receipt of a proposal, a board may 14035
enter into a preliminary agreement with the person or group 14036
proposing the conversion of the public school, indicating the 14037
intention of the board of education to support the conversion to a 14038
community school. A proposing person or group that has a 14039
preliminary agreement under this division may proceed to finalize 14040
plans for the school, establish a governing authority for the 14041
school, and negotiate a contract with the board of education. 14042
Provided the proposing person or group adheres to the preliminary 14043
agreement and all provisions of this chapter, the board of 14044
education shall negotiate in good faith to enter into a contract 14045
in accordance with section 3314.03 of the Revised Code and 14046
division (C) of this section. 14047

(C)(1) Any person or group of individuals may propose under 14048
this division the establishment of a new start-up school to be 14049
located in a challenged school district. The proposal may be made 14050
to any of the following entities: 14051

(a) The board of education of the district in which the 14052
school is proposed to be located; 14053

(b) The board of education of any joint vocational school 14054
district with territory in the county in which is located the 14055
majority of the territory of the district in which the school is 14056
proposed to be located; 14057

(c) The board of education of any other city, local, or 14058
exempted village school district having territory in the same 14059
county where the district in which the school is proposed to be 14060
located has the major portion of its territory; 14061

(d) The governing board of any educational service center ~~as~~ 14062
~~long as the proposed school will be located in a county within the~~ 14063
~~territory of the service center or in a county contiguous to such~~ 14064
~~county;~~ 14065

(e) A sponsoring authority designated by the board of 14066
trustees of any of the thirteen state universities listed in 14067
section 3345.011 of the Revised Code or the board of trustees 14068
itself as long as a mission of the proposed school to be specified 14069
in the contract under division (A)(2) of section 3314.03 of the 14070
Revised Code and as approved by the department of education under 14071
division (B)(2) of section 3314.015 of the Revised Code will be 14072
the practical demonstration of teaching methods, educational 14073
technology, or other teaching practices that are included in the 14074
curriculum of the university's teacher preparation program 14075
approved by the state board of education; 14076

(f) Any qualified tax-exempt entity under section 501(c)(3) 14077
of the Internal Revenue Code as long as all of the following 14078
conditions are satisfied: 14079

(i) The entity has been in operation for at least five years 14080
prior to applying to be a community school sponsor. 14081

(ii) The entity has assets of at least five hundred thousand 14082
dollars. 14083

(iii) The department of education has determined that the 14084
entity is an education-oriented entity under division (B)(3) of 14085
section 3314.015 of the Revised Code. 14086

Until July 1, 2005, any entity described in division 14087

(C)(1)(f) of this section may sponsor only schools that formerly 14088
were sponsored by the state board of education under division 14089
(C)(1)(d) of this section, as it existed prior to ~~the effective~~ 14090
~~date of this amendment~~ April 8, 2003. After July 1, 2005, such 14091
entity may sponsor any new or existing school. 14092

Any entity described in division (C)(1) of this section may 14093
enter into a preliminary agreement pursuant to division (C)(2) of 14094
this section with the proposing person or group. 14095

(2) A preliminary agreement indicates the intention of an 14096
entity described in division (C)(1) of this section to sponsor the 14097
community school. A proposing person or group that has such a 14098
preliminary agreement may proceed to finalize plans for the 14099
school, establish a governing authority as described in division 14100
(E) of this section for the school, and negotiate a contract with 14101
the entity. Provided the proposing person or group adheres to the 14102
preliminary agreement and all provisions of this chapter, the 14103
entity shall negotiate in good faith to enter into a contract in 14104
accordance with section 3314.03 of the Revised Code. 14105

(3) A new start-up school that is established in a school 14106
district while that district is either in a state of academic 14107
emergency or in a state of academic watch under section 3302.03 of 14108
the Revised Code may continue in existence once the school 14109
district is no longer in a state of academic emergency or academic 14110
watch, provided there is a valid contract between the school and a 14111
sponsor. 14112

(4) A copy of every preliminary agreement entered into under 14113
this division shall be filed with the superintendent of public 14114
instruction. 14115

(D) A majority vote of the board of a sponsoring entity and a 14116
majority vote of the members of the governing authority of a 14117
community school shall be required to adopt a contract and convert 14118

the public school to a community school or establish the new 14119
start-up school. Up to the statewide limit prescribed in section 14120
3314.013 of the Revised Code, an unlimited number of community 14121
schools may be established in any school district provided that a 14122
contract is entered into for each community school pursuant to 14123
this chapter. 14124

(E) As used in this division, "immediate relatives" are 14125
limited to spouses, children, parents, grandparents, siblings, and 14126
in-laws. 14127

Each new start-up community school established under this 14128
chapter shall be under the direction of a governing authority 14129
which shall consist of a board of not less than five individuals 14130
who are not owners or employees, or immediate relatives of owners 14131
or employees, of any for-profit firm that operates or manages a 14132
school for the governing authority. 14133

No person shall serve on the governing authority or operate 14134
the community school under contract with the governing authority 14135
so long as the person owes the state any money or is in a dispute 14136
over whether the person owes the state any money concerning the 14137
operation of a community school that has closed. 14138

(F) Nothing in this chapter shall be construed to permit the 14139
establishment of a community school in more than one school 14140
district under the same contract. 14141

Sec. 3314.03. A copy of every contract entered into under 14142
this section shall be filed with the superintendent of public 14143
instruction. 14144

(A) Each contract entered into between a sponsor and the 14145
governing authority of a community school shall specify the 14146
following: 14147

(1) That the school shall be established as either of the 14148

following:	14149
(a) A nonprofit corporation established under Chapter 1702.	14150
of the Revised Code, if established prior to the effective date of	14151
this amendment <u>April 8, 2003</u> ;	14152
(b) A public benefit corporation established under Chapter	14153
1702. of the Revised Code, if established after the effective date	14154
of this amendment <u>April 8, 2003</u> ;	14155
(2) The education program of the school, including the	14156
school's mission, the characteristics of the students the school	14157
is expected to attract, the ages and grades of students, and the	14158
focus of the curriculum;	14159
(3) The academic goals to be achieved and the method of	14160
measurement that will be used to determine progress toward those	14161
goals, which shall include the statewide achievement tests;	14162
(4) Performance standards by which the success of the school	14163
will be evaluated by the sponsor;	14164
(5) The admission standards of section 3314.06 of the Revised	14165
Code;	14166
(6)(a) Dismissal procedures;	14167
(b) A requirement that the governing authority adopt an	14168
attendance policy that includes a procedure for automatically	14169
withdrawing a student from the school if the student without a	14170
legitimate excuse fails to participate in one hundred five	14171
cumulative <u>consecutive</u> hours of the learning opportunities offered	14172
to the student. Such a policy shall provide for withdrawing the	14173
student by the end of the thirtieth day after the student has	14174
failed to participate as required under this division.	14175
(7) The ways by which the school will achieve racial and	14176
ethnic balance reflective of the community it serves;	14177
(8) Requirements for financial audits by the auditor of	14178

state. The contract shall require financial records of the school 14179
to be maintained in the same manner as are financial records of 14180
school districts, pursuant to rules of the auditor of state, and 14181
the audits shall be conducted in accordance with section 117.10 of 14182
the Revised Code. 14183

(9) The facilities to be used and their locations; 14184

(10) Qualifications of teachers, including a requirement that 14185
the school's classroom teachers be licensed in accordance with 14186
sections 3319.22 to 3319.31 of the Revised Code, except that a 14187
community school may engage noncertificated persons to teach up to 14188
twelve hours per week pursuant to section 3319.301 of the Revised 14189
Code; 14190

(11) That the school will comply with the following 14191
requirements: 14192

(a) The school will provide learning opportunities to a 14193
minimum of twenty-five students for a minimum of nine hundred 14194
twenty hours per school year; 14195

(b) The governing authority will purchase liability 14196
insurance, or otherwise provide for the potential liability of the 14197
school; 14198

(c) The school will be nonsectarian in its programs, 14199
admission policies, employment practices, and all other 14200
operations, and will not be operated by a sectarian school or 14201
religious institution; 14202

(d) The school will comply with sections 9.90, 9.91, 109.65, 14203
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 14204
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 14205
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 14206
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 14207
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 14208
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 14209

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code;

(e) The school shall comply with Chapter 102. of the Revised Code except that nothing in that chapter shall prohibit a member of the school's governing board from also being an employee of the school and nothing in that chapter or section 2921.42 of the Revised Code shall prohibit a member of the school's governing board from having an interest in a contract into which the governing board enters that is not a contract with a for-profit firm for the operation or management of a school under the auspices of the governing authority;

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education;

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am.

Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	14242
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	14243
(12) Arrangements for providing health and other benefits to	14244
employees;	14245
(13) The length of the contract, which shall begin at the	14246
beginning of an academic year. No contract shall exceed five years	14247
unless such contract has been renewed pursuant to division (E) of	14248
this section.	14249
(14) The governing authority of the school, which shall be	14250
responsible for carrying out the provisions of the contract;	14251
(15) A financial plan detailing an estimated school budget	14252
for each year of the period of the contract and specifying the	14253
total estimated per pupil expenditure amount for each such year.	14254
The plan shall specify for each year the base formula amount that	14255
will be used for purposes of funding calculations under section	14256
3314.08 of the Revised Code. This base formula amount for any year	14257
shall not exceed the formula amount defined under section 3317.02	14258
of the Revised Code. The plan may also specify for any year a	14259
percentage figure to be used for reducing the per pupil amount of	14260
disadvantaged pupil impact aid calculated pursuant to section	14261
3317.029 of the Revised Code the school is to receive that year	14262
under section 3314.08 of the Revised Code.	14263
(16) Requirements and procedures regarding the disposition of	14264
employees of the school in the event the contract is terminated or	14265
not renewed pursuant to section 3314.07 of the Revised Code;	14266
(17) Whether the school is to be created by converting all or	14267
part of an existing public school or is to be a new start-up	14268
school, and if it is a converted public school, specification of	14269
any duties or responsibilities of an employer that the board of	14270
education that operated the school before conversion is delegating	14271
to the governing board of the community school with respect to all	14272

or any specified group of employees provided the delegation is not 14273
prohibited by a collective bargaining agreement applicable to such 14274
employees; 14275

(18) Provisions establishing procedures for resolving 14276
disputes or differences of opinion between the sponsor and the 14277
governing authority of the community school; 14278

(19) A provision requiring the governing authority to adopt a 14279
policy regarding the admission of students who reside outside the 14280
district in which the school is located. That policy shall comply 14281
with the admissions procedures specified in section 3314.06 of the 14282
Revised Code and, at the sole discretion of the authority, shall 14283
do one of the following: 14284

(a) Prohibit the enrollment of students who reside outside 14285
the district in which the school is located; 14286

(b) Permit the enrollment of students who reside in districts 14287
adjacent to the district in which the school is located; 14288

(c) Permit the enrollment of students who reside in any other 14289
district in the state. 14290

(20) A provision recognizing the authority of the department 14291
of education to take over the sponsorship of the school in 14292
accordance with the provisions of division (C) of section 3314.015 14293
of the Revised Code; 14294

(21) A provision recognizing the sponsor's authority to 14295
assume the operation of a school under the conditions specified in 14296
division (B) of section 3314.073 of the Revised Code; 14297

(22) A provision recognizing both of the following: 14298

(a) The authority of public health and safety officials to 14299
inspect the facilities of the school and to order the facilities 14300
closed if those officials find that the facilities are not in 14301
compliance with health and safety laws and regulations; 14302

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby

authorized to receive such payments as set forth in the contract 14333
between the governing authority and the sponsor. The total amount 14334
of such payments for oversight and monitoring of the school shall 14335
not exceed three per cent of the total amount of payments for 14336
operating expenses that the school receives from the state. 14337

(D) The contract shall specify the duties of the sponsor 14338
which shall be in accordance with the written agreement entered 14339
into with the department of education under division (B) of 14340
section 3314.015 of the Revised Code and shall include the 14341
following: 14342

(1) Monitor the community school's compliance with all laws 14343
applicable to the school and with the terms of the contract; 14344

(2) Monitor and evaluate the academic and fiscal performance 14345
and the organization and operation of the community school on at 14346
least an annual basis; 14347

(3) Report on an annual basis the results of the evaluation 14348
conducted under division (D)(2) of this section to the department 14349
of education and to the parents of students enrolled in the 14350
community school; 14351

(4) Provide technical assistance to the community school in 14352
complying with laws applicable to the school and terms of the 14353
contract; 14354

(5) Take steps to intervene in the school's operation to 14355
correct problems in the school's overall performance, declare the 14356
school to be on probationary status pursuant to section 3314.073 14357
of the Revised Code, suspend the operation of the school pursuant 14358
to section 3314.072 of the Revised Code, or terminate the contract 14359
of the school pursuant to section 3314.07 of the Revised Code as 14360
determined necessary by the sponsor; 14361

(6) Have in place a plan of action to be undertaken in the 14362
event the community school experiences financial difficulties or 14363

closes prior to the end of a school year. 14364

(E) Upon the expiration of a contract entered into under this 14365
section, the sponsor of a community school may, with the approval 14366
of the governing authority of the school, renew that contract for 14367
a period of time determined by the sponsor, but not ending earlier 14368
than the end of any school year, if the sponsor finds that the 14369
school's compliance with applicable laws and terms of the contract 14370
and the school's progress in meeting the academic goals prescribed 14371
in the contract have been satisfactory. Any contract that is 14372
renewed under this division remains subject to the provisions of 14373
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 14374

Sec. 3314.041. The governing authority of each community 14375
school and any operator of such school shall ~~place in a~~ 14376
~~conspicuous manner in all documents that are distributed~~ 14377
distribute to parents of students of the school ~~or to the general~~ 14378
~~public upon their enrollment in the school~~ the following statement 14379
in writing: 14380

"The (here fill in name of the school) school 14381
is a community school established under Chapter 3314. of the 14382
Revised Code. The school is a public school and students enrolled 14383
in and attending the school are required to take proficiency tests 14384
and other examinations prescribed by law. In addition, there may 14385
be other requirements for students at the school that are 14386
prescribed by law. Students who have been excused from the 14387
compulsory attendance law for the purpose of home education as 14388
defined by the Administrative Code shall no longer be excused for 14389
that purpose upon their enrollment in a community school. For more 14390
information about this matter contact the school administration or 14391
the Ohio Department of Education." 14392

Sec. 3314.07. (A) The expiration of the contract for a 14393

community school between a sponsor and a school shall be the date 14394
provided in the contract. A successor contract may be entered into 14395
pursuant to division (E) of section 3314.03 of the Revised Code 14396
unless the contract is terminated or not renewed pursuant to this 14397
section. 14398

(B)(1) A sponsor may choose not to renew a contract at its 14399
expiration or may choose to terminate a contract prior to its 14400
expiration for any of the following reasons: 14401

(a) Failure to meet student performance requirements stated 14402
in the contract; 14403

(b) Failure to meet generally accepted standards of fiscal 14404
management; 14405

(c) Violation of any provision of the contract or applicable 14406
state or federal law; 14407

(d) Other good cause. 14408

(2) A sponsor may choose to terminate a contract prior to its 14409
expiration if the sponsor has suspended the operation of the 14410
contract under section 3314.072 of the Revised Code. 14411

(3) At least ninety days prior to the termination or 14412
nonrenewal of a contract, the sponsor shall notify the school of 14413
the proposed action in writing. The notice shall include the 14414
reasons for the proposed action in detail, the effective date of 14415
the termination or nonrenewal, and a statement that the school 14416
may, within fourteen days of receiving the notice, request an 14417
informal hearing before the sponsor. Such request must be in 14418
writing. The informal hearing shall be held within seventy days of 14419
the receipt of a request for the hearing. Promptly following the 14420
informal hearing, the sponsor shall issue a written decision 14421
either affirming or rescinding the decision to terminate or not 14422
renew the contract. 14423

(4) A decision by the sponsor to terminate a contract may be 14424
appealed to the state board of education. The decision by the 14425
state board pertaining to an appeal under this division is final. 14426
If the sponsor is the state board, its decision to terminate a 14427
contract under division (B)(3) of this section shall be final. 14428

(5) The termination of a contract under this section shall be 14429
effective upon the occurrence of the later of the following 14430
events: 14431

(a) Ninety days following the date the sponsor notifies the 14432
school of its decision to terminate the contract as prescribed in 14433
division (B)(3) of this section; 14434

(b) If an informal hearing is requested under division (B)(3) 14435
of this section and as a result of that hearing the sponsor 14436
affirms its decision to terminate the contract, the effective date 14437
of the termination specified in the notice issued under division 14438
(B)(3) of this section, or if that decision is appealed to the 14439
state board under division (B)(4) of this section and the state 14440
board affirms that decision, the date established in the 14441
resolution of the state board affirming the sponsor's decision. 14442

(6) Any community school whose contract is terminated under 14443
this division shall not enter into a contract with any other 14444
sponsor. 14445

(C) A child attending a community school whose contract has 14446
been terminated, nonrenewed, or suspended or that closes for any 14447
reason shall be admitted to the schools of the district in which 14448
the child is entitled to attend under section 3313.64 or 3313.65 14449
of the Revised Code. Any deadlines established for the purpose of 14450
admitting students under section 3313.97 or 3313.98 of the Revised 14451
Code shall be waived for students to whom this division pertains. 14452

(D) If a community school does not intend to renew a contract 14453
with its sponsor, the community school shall notify its sponsor in 14454

writing of that fact at least one hundred eighty days prior to the 14455
expiration of the contract. Such a community school may enter into 14456
a contract with a new sponsor in accordance with section 3314.03 14457
of the Revised Code upon the expiration of the previous contract. 14458

(E) A sponsor of a community school and the officers, 14459
directors, or employees of such a sponsor are not liable in 14460
damages in a tort or other civil action for harm allegedly arising 14461
from either of the following: 14462

(1) A failure of the community school or any of its officers, 14463
directors, or employees to perform any statutory or common law 14464
duty or responsibility or any other legal obligation; 14465

(2) An action or omission of the community school or any of 14466
its officers, directors, or employees that results in harm. 14467

~~(E)~~(F) As used in this section: 14468

(1) "Harm" means injury, death, or loss to person or 14469
property. 14470

(2) "Tort action" means a civil action for damages for 14471
injury, death, or loss to person or property other than a civil 14472
action for damages for a breach of contract or another agreement 14473
between persons. 14474

Sec. 3314.074. Divisions (A) and (B) of this section apply 14475
only to the extent permitted under Chapter 1702. of the Revised 14476
Code. 14477

(A) If any community school established under this chapter 14478
permanently closes and ceases its operation as a community school, 14479
the assets of that school shall be distributed first to the 14480
retirement funds of employees of the school, employees of the 14481
school, and private creditors who are owed compensation and then 14482
any remaining funds shall be paid to the state treasury to the 14483
credit of the general revenue fund. 14484

(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the ~~Ohio SchoolNet commission~~ department of education, such hardware or software shall be returned to the ~~commission~~ department, and the ~~commission~~ department shall redistribute the hardware and software, to the extent such redistribution is possible, to school districts in conformance with the provisions of the programs operated and administered by the ~~commission~~ department.

(C) If the assets of the school are insufficient to pay all persons or entities to whom compensation is owed, the prioritization of the distribution of the assets to individual persons or entities within each class of payees may be determined by decree of a court in accordance with this section and Chapter 1702. of the Revised Code.

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 the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.

(5) "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 14515
or classes described in division (B) of section 3317.014 of the 14516
Revised Code, the multiple specified in that division. 14517

(6) "Entitled to attend school" means entitled to attend 14518
school in a district under section 3313.64 or 3313.65 of the 14519
Revised Code. 14520

(7) A community school student is "included in the DPIA 14521
student count" of a school district if the student is entitled to 14522
attend school in the district and: 14523

(a) For school years prior to fiscal year 2004, the student's 14524
family receives assistance under the Ohio works first program. 14525

(b) For school years in and after fiscal year 2004, the 14526
student's family income does not exceed the federal poverty 14527
guidelines, as defined in section 5101.46 of the Revised Code, and 14528
the student's family receives family assistance, as defined in 14529
section 3317.029 of the Revised Code. 14530

(8) "DPIA reduction factor" means the percentage figure, if 14531
any, for reducing the per pupil amount of disadvantaged pupil 14532
impact aid a community school is entitled to receive pursuant to 14533
divisions (D)(5) and (6) of this section in any year, as specified 14534
in the school's financial plan for the year pursuant to division 14535
(A)(15) of section 3314.03 of the Revised Code. 14536

(9) "All-day kindergarten" has the same meaning as in section 14537
3317.029 of the Revised Code. 14538

(B) The state board of education shall adopt rules requiring 14539
both of the following: 14540

(1) The board of education of each city, exempted village, 14541
and local school district to annually report the number of 14542
students entitled to attend school in the district who are 14543
enrolled in grades one through twelve in a community school 14544

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) to (F) of section 3317.013 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) One-fourth of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but 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 at a

joint vocational school district under a contract between the 14576
community school and the joint vocational school district and are 14577
entitled to attend school in a city, local, or exempted village 14578
school district whose territory is part of the territory of the 14579
joint vocational district; 14580

(f) The number of enrolled preschool handicapped students 14581
receiving special education services in a state-funded unit; 14582

(g) The community school's base formula amount; 14583

(h) For each student, the city, exempted village, or local 14584
school district in which the student is entitled to attend school; 14585

(i) Any DPIA reduction factor that applies to a school year. 14586

(C) From the payments made to a city, exempted village, or 14587
local school district under Chapter 3317. of the Revised Code and, 14588
if necessary, sections 321.14 and 323.156 of the Revised Code, the 14589
department of education shall annually subtract all of the 14590
following: 14591

(1) An amount equal to the sum of the amounts obtained when, 14592
for each community school where the district's students are 14593
enrolled, the number of the district's students reported under 14594
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 14595
in grades one through twelve, and one-half the number of students 14596
reported under those divisions who are enrolled in kindergarten, 14597
in that community school is multiplied by the base formula amount 14598
of that community school as adjusted by the school district's 14599
cost-of-doing-business factor. 14600

(2) The sum of the amounts calculated under divisions 14601
(C)(2)(a) and (b) of this section: 14602

(a) For each of the district's students reported under 14603
division (B)(2)(c) of this section as enrolled in a community 14604
school in grades one through twelve and receiving special 14605

education and related services pursuant to an IEP for a handicap 14606
described in section 3317.013 of the Revised Code, the product of 14607
the applicable special education weight times the community 14608
school's base formula amount; 14609

(b) For each of the district's students reported under 14610
division (B)(2)(c) of this section as enrolled in kindergarten in 14611
a community school and receiving special education and related 14612
services pursuant to an IEP for a handicap described in section 14613
3317.013 of the Revised Code, one-half of the amount calculated as 14614
prescribed in division (C)(2)(a) of this section. 14615

(3) For each of the district's students reported under 14616
division (B)(2)(d) of this section for whom payment is made under 14617
division (D)(4) of this section, the amount of that payment; 14618

(4) An amount equal to the sum of the amounts obtained when, 14619
for each community school where the district's students are 14620
enrolled, the number of the district's students enrolled in that 14621
community school who are included in the district's DPIA student 14622
count is multiplied by the per pupil amount of disadvantaged pupil 14623
impact aid the school district receives that year pursuant to 14624
division (B) or (C) of section 3317.029 of the Revised Code, as 14625
adjusted by any DPIA reduction factor of that community school. If 14626
the district receives disadvantaged pupil impact aid under 14627
division (B) of that section, the per pupil amount of that aid is 14628
the quotient of the amount the district received under that 14629
division divided by the district's DPIA student count, as defined 14630
in that section. If the district receives disadvantaged pupil 14631
impact aid under division (C) of section 3317.029 of the Revised 14632
Code, the per pupil amount of that aid is the per pupil dollar 14633
amount prescribed for the district in division (C)(1) or (2) of 14634
that section. 14635

(5) An amount equal to the sum of the amounts obtained when, 14636
for each community school where the district's students are 14637

enrolled, the district's per pupil amount of aid received under 14638
division (E) of section 3317.029 of the Revised Code, as adjusted 14639
by any DPIA reduction factor of the community school, is 14640
multiplied by the sum of the following: 14641

(a) The number of the district's students reported under 14642
division (B)(2)(a) of this section who are enrolled in grades one 14643
to three in that community school and who are not receiving 14644
special education and related services pursuant to an IEP; 14645

(b) One-half of the district's students who are enrolled in 14646
all-day or any other kindergarten class in that community school 14647
and who are not receiving special education and related services 14648
pursuant to an IEP; 14649

(c) One-half of the district's students who are enrolled in 14650
all-day kindergarten in that community school and who are not 14651
receiving special education and related services pursuant to an 14652
IEP. 14653

The district's per pupil amount of aid under division (E) of 14654
section 3317.029 of the Revised Code is the quotient of the amount 14655
the district received under that division divided by the 14656
district's kindergarten through third grade ADM, as defined in 14657
that section. 14658

(D) The department shall annually pay to a community school 14659
established under this chapter all of the following: 14660

(1) An amount equal to the sum of the amounts obtained when 14661
the number of students enrolled in grades one through twelve, plus 14662
one-half of the kindergarten students in the school, reported 14663
under divisions (B)(2)(a), (b), and (e) of this section who are 14664
not receiving special education and related services pursuant to 14665
an IEP for a handicap described in section 3317.013 of the Revised 14666
Code is multiplied by the community school's base formula amount, 14667
as adjusted by the cost-of-doing-business factor of the school 14668

district in which the student is entitled to attend school;	14669
(2) The greater of the following:	14670
(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;	14671 14672 14673 14674
(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:	14675 14676
(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 section 3317.013 of the Revised Code, the following amount:	14677 14678 14679 14680 14681
(the community school's base formula amount	14682
X the cost-of-doing-business factor	14683
of the district where the student	14684
is entitled to attend school) +	14685
(the applicable special education weight X	14686
the community school's base formula amount);	14687
(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 section 3317.013 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.	14688 14689 14690 14691 14692 14693
(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.	14694 14695 14696
(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	14697 14698 14699

Code, are provided by the community school, and are comparable as 14700
determined by the superintendent of public instruction to school 14701
district vocational education programs and classes eligible for 14702
state weighted funding under section 3317.014 of the Revised Code, 14703
an amount equal to the applicable vocational education weight 14704
times the community school's base formula amount times the 14705
percentage of time the student spends in the vocational education 14706
programs or classes. 14707

(5) An amount equal to the sum of the amounts obtained when, 14708
for each school district where the community school's students are 14709
entitled to attend school, the number of that district's students 14710
enrolled in the community school who are included in the 14711
district's DPIA student count is multiplied by the per pupil 14712
amount of disadvantaged pupil impact aid that school district 14713
receives that year pursuant to division (B) or (C) of section 14714
3317.029 of the Revised Code, as adjusted by any DPIA reduction 14715
factor of the community school. The per pupil amount of aid shall 14716
be determined as described in division (C)(4) of this section. 14717

(6) An amount equal to the sum of the amounts obtained when, 14718
for each school district where the community school's students are 14719
entitled to attend school, the district's per pupil amount of aid 14720
received under division (E) of section 3317.029 of the Revised 14721
Code, as adjusted by any DPIA reduction factor of the community 14722
school, is multiplied by the sum of the following: 14723

(a) The number of the district's students reported under 14724
division (B)(2)(a) of this section who are enrolled in grades one 14725
to three in that community school and who are not receiving 14726
special education and related services pursuant to an IEP; 14727

(b) One-half of the district's students who are enrolled in 14728
all-day or any other kindergarten class in that community school 14729
and who are not receiving special education and related services 14730
pursuant to an IEP; 14731

(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. 14732
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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)(5) of this section. 14736
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(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 divisions (B) to (F) of section 3317.013 of the Revised Code 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 the threshold catastrophic costs. 14739
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(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. 14751
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(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 14758
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community school shall retain any units awarded to it as a school 14763
district-operated school provided the school continues to meet 14764
eligibility standards for the unit. 14765

A community school shall be considered a school district and 14766
its governing authority shall be considered a board of education 14767
for the purpose of applying to any state or federal agency for 14768
grants that a school district may receive under federal or state 14769
law or any appropriations act of the general assembly. The 14770
governing authority of a community school may apply to any private 14771
entity for additional funds. 14772

(G) A board of education sponsoring a community school may 14773
utilize local funds to make enhancement grants to the school or 14774
may agree, either as part of the contract or separately, to 14775
provide any specific services to the community school at no cost 14776
to the school. 14777

(H) A community school may not levy taxes or issue bonds 14778
secured by tax revenues. 14779

(I) No community school shall charge tuition for the 14780
enrollment of any student. 14781

(J)(1)(a) A community school may borrow money to pay any 14782
necessary and actual expenses of the school in anticipation of the 14783
receipt of any portion of the payments to be received by the 14784
school pursuant to division (D) of this section. The school may 14785
issue notes to evidence such borrowing . The proceeds of the notes 14786
shall be used only for the purposes for which the anticipated 14787
receipts may be lawfully expended by the school. 14788

(b) A school may also borrow money for a term not to exceed 14789
fifteen years for the purpose of acquiring facilities. 14790

(2) Except for any amount guaranteed under section 3318.50 of 14791
the Revised Code, the state is not liable for debt incurred by the 14792
governing authority of a community school. 14793

(K) For purposes of determining the number of students for which divisions (D)(5) and (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. The state board of education within ninety days after ~~the effective date of this amendment~~ April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic

payments to community schools and corresponding deductions from 14826
school district accounts as provided under divisions (C) and (D) 14827
of this section. For purposes of this section: 14828

(1) A student shall be considered enrolled in the community 14829
school for any portion of the school year the student is 14830
participating at a college under Chapter 3365. of the Revised 14831
Code. 14832

(2) A student shall be considered to be enrolled in a 14833
community school during a school year for the period of time 14834
between the date on which the school both has received 14835
documentation of the student's enrollment from a parent and has 14836
commenced participation in learning opportunities as defined in 14837
the contract with the sponsor. For purposes of applying this 14838
division to a community school student, "learning opportunities" 14839
shall be defined in the contract, which shall describe both 14840
classroom-based and non-classroom-based learning opportunities and 14841
shall be in compliance with criteria and documentation 14842
requirements for student participation which shall be established 14843
by the department. Any student's instruction time in 14844
non-classroom-based learning opportunities shall be certified by 14845
an employee of the community school. A student's enrollment shall 14846
be considered to cease on the date on which any of the following 14847
occur: 14848

(a) The community school receives documentation from a parent 14849
terminating enrollment of the student. 14850

(b) The community school is provided documentation of a 14851
student's enrollment in another public or private school. 14852

(c) The community school ceases to offer learning 14853
opportunities to the student pursuant to the terms of the contract 14854
with the sponsor or the operation of any provision of this 14855
chapter. 14856

(3) A student's percentage of full-time equivalency shall be considered to be the percentage the hours of learning opportunity offered to that student is of nine hundred and twenty hours.

(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)(1) No student shall be considered enrolled in any internet- or computer-based community school unless the both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are fully operational and the so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A)(1) or (2) of section 3314.032 of the Revised Code, relative to such student.
~~In~~

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, 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 and the auditor of

state shall jointly establish a method for auditing any community 14888
school to which this division pertains to ensure compliance with 14889
this section. 14890

The superintendent, auditor of state, and the governor shall 14891
jointly make recommendations to the general assembly for 14892
legislative changes that may be required to assure fiscal and 14893
academic accountability for such internet- or computer-based 14894
schools. 14895

(O)(1) If the department determines that a review of a 14896
community school's enrollment is necessary, such review shall be 14897
completed and written notice of the findings shall be provided to 14898
the governing authority of the community school and its sponsor 14899
within ninety days of the end of the community school's fiscal 14900
year, unless extended for a period not to exceed thirty additional 14901
days for one of the following reasons: 14902

(a) The department and the community school mutually agree to 14903
the extension. 14904

(b) Delays in data submission caused by either a community 14905
school or its sponsor. 14906

(2) If the review results in a finding that additional 14907
funding is owed to the school, such payment shall be made within 14908
thirty days of the written notice. If the review results in a 14909
finding that the community school owes moneys to the state, the 14910
following procedure shall apply: 14911

(a) Within ten business days of the receipt of the notice of 14912
findings, the community school may appeal the department's 14913
determination to the state board of education or its designee. 14914

(b) The board or its designee shall conduct an informal 14915
hearing on the matter within thirty days of receipt of such an 14916
appeal and shall issue a decision within fifteen days of the 14917
conclusion of the hearing. 14918

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

Sec. 3314.083. If the department of education pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student who is enrolled in a community school, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the amount calculated for payment to the community school under section 3314.08 of the Revised Code.

Sec. 3314.18. (A) As used in this section, "consortium member" means any community school that pays the fee required by division (D) of this section.

(B) The auditor of state shall appoint a coordinator for community schools. Any entity appointed by the auditor of state under this section shall satisfy the following criteria:

(1) A demonstrated capacity to provide a comprehensive and efficient program of computer services at a reasonable cost to consortium members, including the availability of necessary hardware, software, and personnel;

(2) At least three years of experience in the provision of

administrative, financial, or computer services to community schools; 14948
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(3) At least three years of financial stability; 14950

(4) At least three years of experience serving as the sponsor of a community school. 14951
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Any entity appointed by the auditor of state shall serve as the coordinator for community schools for a period of five years. 14953
Any such entity may be reappointed. 14955

(C) The coordinator for community schools shall maintain membership records as described in sections 3317.031 and 3317.032 of the Revised Code and report data from such records to the state board of education in accordance with those sections for each consortium member. The coordinator also shall be eligible to serve as a data acquisition site, as defined by rule of the state board, for any consortium member. 14956
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(D) All activities of the coordinator for community schools shall be supported by an annual fee paid by each community school that elects to utilize its services. The amount of the fee shall be established jointly by the coordinator, the department of education, and the auditor of state. No funds appropriated for the Ohio education computer network shall be allocated by the department to the coordinator. 14963
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(E) The coordinator for community schools shall appoint an executive director to manage the daily operations of the coordinator. 14970
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(F) Notwithstanding division (O) of section 3314.08 of the Revised Code, in the event of a dispute between a consortium member and a school district regarding the consortium member's student enrollment, either the consortium member or the district may file an appeal with the executive director of the coordinator for community schools. The executive director shall notify all 14973
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affected parties that an appeal has been filed and shall hold a 14979
hearing on the matter. Following the hearing, the executive 14980
director shall issue a written finding. If the executive director 14981
finds that the consortium member's enrollment has been calculated 14982
incorrectly, the department shall adjust the amounts subtracted 14983
and paid under divisions (C) and (D) of section 3314.08 of the 14984
Revised Code to reflect the correct enrollment. The state board 14985
shall adopt rules governing appeal procedures under this division. 14986

(G) Nothing in this section shall be construed to require a 14987
community school to utilize the services of the coordinator for 14988
community schools. 14989

Sec. 3316.08. During a school district's fiscal emergency 14990
period, the auditor of state shall determine annually, or at any 14991
other time upon request of the financial planning and supervision 14992
commission, whether the school district will incur an operating 14993
deficit. If the auditor of state determines that a school district 14994
will incur an operating deficit, the auditor of state shall 14995
certify that determination to the superintendent of public 14996
instruction, the financial planning and supervision commission, 14997
and the board of education of the school district. Upon receiving 14998
the auditor of state's certification, the board of education ~~or~~ 14999
and the commission each shall ~~adopt~~ consider adopting a resolution 15000
to submit a ballot question proposing the levy of a tax under 15001
section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code. 15002
After the board of education and the commission consider adopting 15003
a resolution for the levy of such a tax, the board of education 15004
and commission each shall adopt a resolution that explains the 15005
decision to propose or not propose such a levy. Except as 15006
otherwise provided in this division, the tax shall be levied in 15007
the manner prescribed for a tax levied under section 5705.194 or 15008
5705.21 or under Chapter 5748. of the Revised Code. ~~The~~ If the 15009
board of education or commission decides that a tax ~~shall~~ should 15010

be levied, the tax shall be levied for the purpose of paying 15011
current operating expenses of the school district. The question 15012
shall propose that the tax be levied at ~~the a~~ a rate required to 15013
~~produce annual revenue sufficient to eliminate the operating~~ 15014
~~deficit as certified by the auditor of state and to repay~~ 15015
~~outstanding loans or other obligations incurred by the board of~~ 15016
~~education for the purpose of reducing or eliminating operating~~ 15017
~~deficits~~ generate an amount that would produce a positive fiscal 15018
year end cash balance not later than the fifth year of the 15019
district's current five-year forecast submitted under section 15020
5705.391 of the Revised Code, as determined by the financial 15021
planning and supervision commission in consultation with the 15022
district treasurer. The rate of a tax levied under section 15023
5705.194 or 5705.21 of the Revised Code shall be determined by the 15024
county auditor, and the rate of a tax levied under section 5748.02 15025
or 5748.08 of the Revised Code shall be determined by the tax 15026
commissioner, upon the request of the commission. The commission 15027
shall determine the election at which the question of the tax 15028
shall appear on the ballot, and the board of education or 15029
commission shall submit a copy of its resolution to the board of 15030
elections not later than seventy-five days prior to the day of 15031
that election. The board of elections conducting the election 15032
shall certify the results of the election to the board of 15033
education and to the financial planning and supervision 15034
commission. 15035

Sec. 3317.01. As used in this section and section 3317.011 of 15036
the Revised Code, "school district," unless otherwise specified, 15037
means any city, local, exempted village, joint vocational, or 15038
cooperative education school district and any educational service 15039
center. 15040

This chapter shall be administered by the state board of 15041
education. The superintendent of public instruction shall 15042

calculate the amounts payable to each school district and shall 15043
certify the amounts payable to each eligible district to the 15044
treasurer of the district as provided by this chapter. No moneys 15045
shall be distributed pursuant to this chapter without the approval 15046
of the controlling board. 15047

The state board of education shall, in accordance with 15048
appropriations made by the general assembly, meet the financial 15049
obligations of this chapter. 15050

Annually, the department of education shall calculate and 15051
report to each school district the district's total state and 15052
local funds for providing an adequate basic education to the 15053
district's nonhandicapped students, utilizing the determination in 15054
section 3317.012 of the Revised Code. In addition, the department 15055
shall calculate and report separately for each school district the 15056
district's total state and local funds for providing an adequate 15057
education for its handicapped students, utilizing the 15058
determinations in both sections 3317.012 and 3317.013 of the 15059
Revised Code. 15060

Not later than the thirty-first day of August of each fiscal 15061
year, the department of education shall provide to each school 15062
district and county MR/DD board a preliminary estimate of the 15063
amount of funding that the department calculates the district will 15064
receive under each of divisions (C)(1) and (4) of section 3317.022 15065
of the Revised Code. No later than the first day of December of 15066
each fiscal year, the department shall update that preliminary 15067
estimate. 15068

Moneys distributed pursuant to this chapter shall be 15069
calculated and paid on a fiscal year basis, beginning with the 15070
first day of July and extending through the thirtieth day of June. 15071
The moneys appropriated for each fiscal year shall be distributed 15072
at least monthly to each school district unless otherwise provided 15073
for. The state board shall submit a yearly distribution plan to 15074

the controlling board at its first meeting in July. The state 15075
board shall submit any proposed midyear revision of the plan to 15076
the controlling board in January. Any year-end revision of the 15077
plan shall be submitted to the controlling board in June. If 15078
moneys appropriated for each fiscal year are distributed other 15079
than monthly, such distribution shall be on the same basis for 15080
each school district. 15081

The total amounts paid each month shall constitute, as nearly 15082
as possible, one-twelfth of the total amount payable for the 15083
entire year. Monthly payments of the district's base cost funding 15084
shall be made by dividing by twelve the amount calculated using 15085
the average daily attendance appropriate for that month under 15086
division (A)(1) of section 3317.022, division (B) of section 15087
3317.16, or division (C) of section 3317.0217 of the Revised Code, 15088
as applicable. Payments made during the first six months of the 15089
fiscal year may be based on an estimate of the amounts payable for 15090
the entire year. Payments made in the last six months shall be 15091
based on the final calculation of the amounts payable to each 15092
school district for that fiscal year. Payments made in the last 15093
six months may be adjusted, if necessary, to correct the amounts 15094
distributed in the first six months, and to reflect enrollment 15095
increases when such are at least three per cent. Except as 15096
otherwise provided, payments under this chapter shall be made only 15097
to those school districts in which: 15098

(A) The school district, except for any educational service 15099
center and any joint vocational or cooperative education school 15100
district, levies for current operating expenses at least twenty 15101
mills. Levies for joint vocational or cooperative education school 15102
districts or county school financing districts, limited to or to 15103
the extent apportioned to current expenses, shall be included in 15104
this qualification requirement. School district income tax levies 15105
under Chapter 5748. of the Revised Code, limited to or to the 15106

extent apportioned to current operating expenses, shall be 15107
included in this qualification requirement to the extent 15108
determined by the tax commissioner under division (D) of section 15109
3317.021 of the Revised Code. 15110

(B) The school year next preceding the fiscal year for which 15111
such payments are authorized meets the requirement of section 15112
3313.48 or 3313.481 of the Revised Code, with regard to the 15113
minimum number of days or hours school must be open for 15114
instruction with pupils in attendance, for individualized 15115
parent-teacher conference and reporting periods, and for 15116
professional meetings of teachers. This requirement shall be 15117
waived by the superintendent of public instruction if it had been 15118
necessary for a school to be closed because of disease epidemic, 15119
hazardous weather conditions, inoperability of school buses or 15120
other equipment necessary to the school's operation, damage to a 15121
school building, or other temporary circumstances due to utility 15122
failure rendering the school building unfit for school use, 15123
provided that for those school districts operating pursuant to 15124
section 3313.48 of the Revised Code the number of days the school 15125
was actually open for instruction with pupils in attendance and 15126
for individualized parent-teacher conference and reporting periods 15127
is not less than one hundred seventy-five, or for those school 15128
districts operating on a trimester plan the number of days the 15129
school was actually open for instruction with pupils in attendance 15130
not less than seventy-nine days in any trimester, for those school 15131
districts operating on a quarterly plan the number of days the 15132
school was actually open for instruction with pupils in attendance 15133
not less than fifty-nine days in any quarter, or for those school 15134
districts operating on a pentamester plan the number of days the 15135
school was actually open for instruction with pupils in attendance 15136
not less than forty-four days in any pentamester. 15137

A school district shall not be considered to have failed to 15138

comply with this division or section 3313.481 of the Revised Code 15139
because schools were open for instruction but either twelfth grade 15140
students were excused from attendance for up to three days or only 15141
a portion of the kindergarten students were in attendance for up 15142
to three days in order to allow for the gradual orientation to 15143
school of such students. 15144

The superintendent of public instruction shall waive the 15145
requirements of this section with reference to the minimum number 15146
of days or hours school must be in session with pupils in 15147
attendance for the school year succeeding the school year in which 15148
a board of education initiates a plan of operation pursuant to 15149
section 3313.481 of the Revised Code. The minimum requirements of 15150
this section shall again be applicable to such a district 15151
beginning with the school year commencing the second July 15152
succeeding the initiation of one such plan, and for each school 15153
year thereafter. 15154

A school district shall not be considered to have failed to 15155
comply with this division or section 3313.48 or 3313.481 of the 15156
Revised Code because schools were open for instruction but the 15157
length of the regularly scheduled school day, for any number of 15158
days during the school year, was reduced by not more than two 15159
hours due to hazardous weather conditions. 15160

(C) The school district has on file, and is paying in 15161
accordance with, a teachers' salary schedule which complies with 15162
section 3317.13 of the Revised Code. 15163

A board of education or governing board of an educational 15164
service center which has not conformed with other law and the 15165
rules pursuant thereto, shall not participate in the distribution 15166
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 15167
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 15168
and sufficient reason established to the satisfaction of the state 15169
board of education and the state controlling board. 15170

All funds allocated to school districts under this chapter, 15171
except those specifically allocated for other purposes, shall be 15172
used to pay current operating expenses only. 15173

Sec. 3317.012. (A)(1) The general assembly, having analyzed 15174
school district expenditure and cost data for fiscal year 1999, 15175
performed the calculation described in division (B) of this 15176
section, adjusted the results for inflation, and added the amounts 15177
described in division (A)(2) of this section, hereby determines 15178
that the base cost of an adequate education per pupil for the 15179
fiscal year beginning July 1, 2001, is \$4,814. For the ~~five~~ three 15180
following fiscal years, the base cost per pupil for each of those 15181
years, reflecting an annual rate of inflation of two and 15182
eight-tenths per cent, is \$4,949 for fiscal year 2003, \$5,088 for 15183
fiscal year 2004, and \$5,230 for fiscal year 2005, ~~\$5,376 for~~ 15184
~~fiscal year 2006, and \$5,527 for fiscal year 2007.~~ 15185

(2) The base cost per pupil amounts specified in division 15186
(A)(1) of this section include amounts to reflect the cost to 15187
school districts of increasing the minimum number of high school 15188
academic units required for graduation beginning September 15, 15189
2001, under section 3313.603 of the Revised Code. Analysis of 15190
fiscal year 1999 data revealed that the school districts meeting 15191
the requirements of division (B) of this section on average 15192
required high school students to complete a minimum of nineteen 15193
and eight-tenths units to graduate. The general assembly 15194
determines that the cost of funding the additional two-tenths unit 15195
required by section 3313.603 of the Revised Code is \$12 per pupil 15196
in fiscal year 2002. This amount was added after the calculation 15197
described in division (B) of this section and the adjustment for 15198
inflation from fiscal year 1999 to fiscal year 2002. It is this 15199
total amount, the calculated base cost plus the supplement to pay 15200
for the additional partial unit, that constitutes the base cost 15201

amount specified in division (A)(1) of this section for fiscal 15202
year 2002 and that is inflated to produce the base cost amounts 15203
for fiscal years 2003 through ~~2007~~ 2005. 15204

(B) In determining the base cost stated in division (A) of 15205
this section, capital and debt costs, costs paid for by federal 15206
funds, and costs covered by funds provided for disadvantaged pupil 15207
impact aid and transportation were excluded, as were the effects 15208
on the districts' state funds of the application of the 15209
cost-of-doing-business factors, assuming a seven and one-half per 15210
cent variance. 15211

The base cost for fiscal year 1999 was calculated as the 15212
unweighted average cost per student, on a school district basis, 15213
of educating students who were not receiving vocational education 15214
or services pursuant to Chapter 3323. of the Revised Code and who 15215
were enrolled in a city, exempted village, or local school 15216
district that in fiscal year 1999 met all of the following 15217
criteria: 15218

(1) The district met at least twenty of the following 15219
twenty-seven performance indicators: 15220

(a) A ninety per cent or higher graduation rate; 15221

(b) At least seventy-five per cent of fourth graders 15222
proficient on the mathematics test prescribed under former 15223
division (A)(1) of section 3301.0710 of the Revised Code; 15224

(c) At least seventy-five per cent of fourth graders 15225
proficient on the reading test prescribed under former division 15226
(A)(1) of section 3301.0710 of the Revised Code; 15227

(d) At least seventy-five per cent of fourth graders 15228
proficient on the writing test prescribed under former division 15229
(A)(1) of section 3301.0710 of the Revised Code; 15230

(e) At least seventy-five per cent of fourth graders 15231

proficient on the citizenship test prescribed under former	15232
division (A)(1) of section 3301.0710 of the Revised Code;	15233
(f) At least seventy-five per cent of fourth graders	15234
proficient on the science test prescribed under <u>former</u> division	15235
(A)(1) of section 3301.0710 of the Revised Code;	15236
(g) At least seventy-five per cent of sixth graders	15237
proficient on the mathematics test prescribed under <u>former</u>	15238
division (A)(2) of section 3301.0710 of the Revised Code;	15239
(h) At least seventy-five per cent of sixth graders	15240
proficient on the reading test prescribed under <u>former</u> division	15241
(A)(2) of section 3301.0710 of the Revised Code;	15242
(i) At least seventy-five per cent of sixth graders	15243
proficient on the writing test prescribed under <u>former</u> division	15244
(A)(2) of section 3301.0710 of the Revised Code;	15245
(j) At least seventy-five per cent of sixth graders	15246
proficient on the citizenship test prescribed under <u>former</u>	15247
division (A)(2) of section 3301.0710 of the Revised Code;	15248
(k) At least seventy-five per cent of sixth graders	15249
proficient on the science test prescribed under <u>former</u> division	15250
(A)(2) of section 3301.0710 of the Revised Code;	15251
(l) At least seventy-five per cent of ninth graders	15252
proficient on the mathematics test prescribed under Section 4 of	15253
Am. Sub. S.B. 55 of the 122nd general assembly;	15254
(m) At least seventy-five per cent of ninth graders	15255
proficient on the reading test prescribed under Section 4 of Am.	15256
Sub. S.B. 55 of the 122nd general assembly;	15257
(n) At least seventy-five per cent of ninth graders	15258
proficient on the writing test prescribed under Section 4 of Am.	15259
Sub. S.B. 55 of the 122nd general assembly;	15260
(o) At least seventy-five per cent of ninth graders	15261

proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15262 15263
(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;	15264 15265 15266
(q) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15267 15268 15269
(r) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15270 15271 15272
(s) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15273 15274 15275
(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	15276 15277 15278
(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;	15279 15280 15281
(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15282 15283 15284
(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15285 15286 15287
(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	15288 15289 15290
(y) At least sixty per cent of twelfth graders proficient on	15291

the citizenship test prescribed under former division (A)(3) of 15292
section 3301.0710 of the Revised Code; 15293

(z) At least sixty per cent of twelfth graders proficient on 15294
the science test prescribed under former division (A)(3) of 15295
section 3301.0710 of the Revised Code; 15296

(aa) An attendance rate for the year of at least ninety-three 15297
per cent as defined in section 3302.01 of the Revised Code. 15298

In determining whether a school district met any of the 15299
performance standards specified in divisions (B)(1)(a) to (aa) of 15300
this section, the general assembly used a rounding procedure 15301
previously recommended by the department of education. It is the 15302
same rounding procedure the general assembly used in 1998 to 15303
determine whether a district had met the standards of former 15304
divisions (B)(1)(a) to (r) of this section for purposes of 15305
constructing the previous model based on fiscal year 1996 data. 15306

(2) The district was not among the five per cent of all 15307
districts with the highest income, nor among the five per cent of 15308
all districts with the lowest income. 15309

(3) The district was not among the five per cent of all 15310
districts with the highest valuation per pupil, nor among the five 15311
per cent of all districts with the lowest valuation per pupil. 15312

This model for calculating the base cost of an adequate 15313
education is expenditure-based. The general assembly recognizes 15314
that increases in state funding to school districts since fiscal 15315
year 1996, the fiscal year upon which the general assembly based 15316
its model for calculating state funding to school districts for 15317
fiscal years 1999 through 2001, has increased school district base 15318
cost expenditures for fiscal year 1999, the fiscal year upon which 15319
the general assembly based its model for calculating state funding 15320
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 15321
districts included in the fiscal year 1999 model that also had met 15322

the fiscal year 1996 performance criteria of former division 15323
(B)(1) of this section, the increased state funding may have 15324
driven the districts' expenditures beyond the expenditures that 15325
were actually needed to maintain their educational programs at the 15326
level necessary to maintain their ability to meet the fiscal year 15327
1999 performance criteria of current division (B)(1) of this 15328
section. The general assembly has determined to control for this 15329
effect by stipulating in the later model that the fiscal year 1999 15330
base cost expenditures of the districts that also met the 15331
performance criteria of former division (B)(1) of this section 15332
equals their base cost expenditures per pupil for fiscal year 15333
1996, inflated to fiscal year 1999 using an annual rate of 15334
inflation of two and eight-tenths per cent. However, if this 15335
inflated amount exceeded the district's actual fiscal year 1999 15336
base cost expenditures per pupil, the district's actual fiscal 15337
year 1999 base cost expenditures per pupil were used in the 15338
calculation. For districts in the 1999 model that did not also 15339
meet the performance criteria of former division (B)(1) of this 15340
section, the actual 1999 base cost per pupil expenditures were 15341
used in the calculation of the average district per pupil costs of 15342
the model districts. 15343

~~(C) In July of 2005, and in July of every six years 15344
thereafter, the speaker of the house of representatives and the 15345
president of the senate shall each appoint three members to a 15346
committee to reexamine the cost of an adequate education. No more 15347
than two members from any political party shall represent each 15348
house. The director of budget and management and the 15349
superintendent of public instruction shall serve as nonvoting ex 15350
officio members of the committee. 15351~~

~~The committee shall select a rational methodology for 15352
calculating the costs of an adequate education system for the 15353
ensuing six year period, and shall report the methodology and the 15354~~

~~resulting costs to the general assembly. In performing its 15355
function, the committee is not bound by any method used by 15356
previous general assemblies to examine and calculate costs and 15357
instead may utilize any rational method it deems suitable and 15358
reasonable given the educational needs and requirements of the 15359
state at that time. 15360~~

~~The methodology for determining the cost of an adequate 15361
education system shall take into account the basic educational 15362
costs that all districts incur in educating regular students, the 15363
unique needs of special categories of students, and significant 15364
special conditions encountered by certain classifications of 15365
school districts. 15366~~

~~The committee also shall redetermine, for purposes of 15367
updating the parity aid calculation under section 3317.0217 of the 15368
Revised Code, the average number of effective operating mills that 15369
school districts in the seventieth to ninetieth percentiles of 15370
valuations per pupil collect above the revenues required to 15371
finance their attributed local shares of the calculated cost of an 15372
adequate education. 15373~~

~~Any committee appointed pursuant to this section shall make 15374
its report to the office of budget and management and the general 15375
assembly within one year of its appointment so that the 15376
information is available for use by the office and the general 15377
assembly in preparing the next biennial appropriations act. 15378~~

~~(D)(1) For purposes of this division, an "update year" is the 15379
first fiscal year for which the per pupil base cost of an adequate 15380
education is in effect after being recalculated by the general 15381
assembly. The first update year is fiscal year 2002. The second 15382
update year is fiscal year 2008. 15383~~

~~(2) The general assembly shall recalculate the per pupil base 15384
cost of an adequate education every six years after considering 15385~~

~~the recommendations of the committee appointed under division (C) 15386
of this section. At the time of the recalculation, for each of the 15387
five fiscal years following the update year, the general assembly 15388
shall adjust the base cost recalculated for the update year using 15389
an annual rate of inflation that the general assembly determines 15390
appropriate. 15391~~

~~(3) The general assembly shall include, in the act 15392
appropriating state funds for education programs for a fiscal 15393
biennium that begins with an update year, a statement of its 15394
determination of the total state share percentage of base cost and 15395
parity aid funding for the update year. 15396~~

~~(4) During its biennial budget deliberations, the general 15397
assembly shall determine the total state share percentage of base 15398
cost and parity aid funding for each fiscal year of the upcoming 15399
biennium. This determination shall be based on the latest 15400
projections and data provided by the department of education under 15401
division (D)(6) of this section prior to the enactment of 15402
education appropriations for the upcoming biennium. If, based on 15403
those latest projections and data, the general assembly determines 15404
that the total state share percentage for either or both nonupdate 15405
fiscal years varies more than two and one half percentage points 15406
more or less than the total state share percentage for the most 15407
recent update year, as previously stated by the general assembly 15408
under division (D)(3) of this section, the general assembly shall 15409
determine and enact a method that it considers appropriate to 15410
restrict the estimated variance for each year to within two and 15411
one half percentage points. The general assembly's methods may 15412
include, but are not required to include and need not be limited 15413
to, reexamining the rate of millage charged off as the local share 15414
of base cost funding under divisions (A)(1) and (2) of section 15415
3317.022 of the Revised Code. Regardless of any changes in 15416
charge off millage rates in years between update years, however, 15417~~

~~the charge off millage rate for update years shall be twenty three 15418
mills, unless the general assembly determines that a different 15419
millage rate is more appropriate to share the total calculated 15420
base cost between the state and school districts. 15421~~

~~(5) The total state share percentage of base cost and parity 15422
aid funding for any fiscal year is calculated as follows: 15423~~

~~[(Total state base cost + total state parity aid funding) 15424
statewide charge off amount] / (Total state base cost + total 15425
state parity aid funding) 15426~~

~~Where: 15427~~

~~(a) The total state base cost equals the sum of the base 15428
costs for all school districts for the fiscal year. 15429~~

~~(b) The base cost for each school district equals: 15430~~

~~formula amount X cost of doing business factor X 15431~~

~~the greater of formula ADM or 15432~~

~~three year average formula ADM 15433~~

~~(c) The total state parity aid funding equals the sum of the 15434
amounts paid to all school districts for the fiscal year under 15435
section 3317.0217 of the Revised Code. 15436~~

~~(d) The statewide charge off amount equals the sum of the 15437
charge off amounts for all school districts. 15438~~

~~(e) The charge off amount for each school district is the 15439~~

~~amount calculated as its local share of base cost funding and 15440~~

~~deducted from the total calculated base cost to determine the 15441~~

~~amount of its state payment under divisions (A)(1) and (2) of 15442~~

~~section 3317.022 of the Revised Code. The charge off amount for 15443~~

~~each school district in fiscal year 2002 is the product of 15444~~

~~twenty three mills multiplied by the district's recognized 15445~~

~~valuation as adjusted, if applicable, under division (A)(2) of 15446~~

~~section 3317.022 of the Revised Code. If however, in any fiscal 15447~~

~~year, including fiscal year 2002, a school district's calculated 15448~~

~~charge off amount exceeds its base cost calculated as described in 15449
division (D)(5)(b) of this section, the district's charge off 15450
amount shall be deemed to equal its calculated base cost. 15451~~

~~(6) Whenever requested by the chairperson of the standing 15452
committee of the house or representatives or the senate having 15453
primary jurisdiction over appropriations, the legislative budget 15454
officer, or the director of budget and management, the department 15455
of education shall report its latest projections for total base 15456
cost, total parity aid funding, and the statewide charge off 15457
amount, as those terms are defined in division (D)(5) of this 15458
section, for each year of the upcoming fiscal biennium, and all 15459
data it used to make the projections. 15460~~

Sec. 3317.013. This section does not apply to handicapped 15461
preschool students. 15462

Analysis of special education cost data has resulted in a 15463
finding that the average special education additional cost per 15464
pupil, including the costs of related services, can be expressed 15465
as a multiple of the base cost per pupil calculated under section 15466
3317.012 of the Revised Code. The multiples for the following 15467
categories of special education programs, as these programs are 15468
defined for purposes of Chapter 3323. of the Revised Code, and 15469
adjusted as provided in this section, are as follows: 15470

(A) A multiple of 0.2892 for students whose primary or only 15471
identified handicap is a speech and language handicap, as this 15472
term is defined pursuant to Chapter 3323. of the Revised Code; 15473

(B) A multiple of 0.3691 for students identified as specific 15474
learning disabled or developmentally handicapped, as these terms 15475
are defined pursuant to Chapter 3323. of the Revised Code, or 15476
other health handicapped-minor; 15477

(C) A multiple of 1.7695 for students identified as hearing 15478

handicapped, vision impaired, or severe behavior handicapped, as 15479
these terms are defined pursuant to Chapter 3323. of the Revised 15480
Code; 15481

(D) A multiple of 2.3646 for students identified as 15482
orthopedically handicapped, as this term is defined pursuant to 15483
Chapter 3323. of the Revised Code or other health handicapped - 15484
major; 15485

(E) A multiple of 3.1129 for students identified as 15486
multihandicapped, as this term is defined pursuant to Chapter 15487
3323. of the Revised Code; 15488

(F) A multiple of 4.7342 for students identified as autistic, 15489
having traumatic brain injuries, or as both visually and hearing 15490
disabled, as these terms are defined pursuant to Chapter 3323. of 15491
the Revised Code. 15492

In fiscal year 2002 years 2004 and 2005, the multiples 15493
specified in divisions (A) to (F) of this section shall be 15494
adjusted by multiplying them by 0.825. In fiscal year 2003, the 15495
multiples specified in those divisions shall be adjusted by 15496
multiplying them by 0.875 for purposes of calculating the state 15497
and local shares of special education and related services 15498
additional weighted funding, the department of education shall 15499
determine a percentage with which it shall adjust the multiples 15500
specified in divisions (A) to (F) of this section so that the 15501
adjusted multiples generate state funding equal to the amount 15502
appropriated for the state share of special education and related 15503
services additional weighted funding. The department shall certify 15504
the fiscal year 2004 percentage to the office of budget and 15505
management not later than July 30, 2003, and shall certify the 15506
fiscal year 2005 percentage to the office not later than July 30, 15507
2004. The department may adjust the percentage in effect during 15508
each fiscal year if updated data indicate that that percentage 15509
will generate state share funding that is greater than or less 15510

than the amount appropriated for it. The department shall notify 15511
the office of budget and management each time it adjusts the 15512
percentage and provide the office with the data justifying the 15513
adjustment. 15514

In fiscal years 2004 and 2005, not less than one hundred per 15515
cent of the unadjusted average special education additional cost 15516
per pupil, represented by the unadjusted multiples of the base 15517
cost per pupil specified in divisions (A) to (F) of this section, 15518
shall be funded through a combination of the state and local 15519
shares of special education and related services additional 15520
weighted funding as calculated under this chapter and federal 15521
special education funds passed through to city, local, exempted 15522
village, and joint vocational school districts. Not later than May 15523
30, 2004, and May 30, 2005, the department shall submit to the 15524
office of budget and management a report that specifies for each 15525
city, local, exempted village, and joint vocational school 15526
district the fiscal year allocation of the state and local shares 15527
of special education and related services additional weighted 15528
funding and federal special education funds passed through to the 15529
district. 15530

Sec. 3317.02. As used in this chapter: 15531

(A) Unless otherwise specified, "school district" means city, 15532
local, and exempted village school districts. 15533

(B) "Formula amount" means the base cost for the fiscal year 15534
specified in section 3317.012 of the Revised Code. 15535

(C) "FTE basis" means a count of students based on full-time 15536
equivalency, in accordance with rules adopted by the department of 15537
education pursuant to section 3317.03 of the Revised Code. In 15538
adopting its rules under this division, the department shall 15539
provide for counting any student in category one, two, three, 15540
four, five, or six special education ADM or in category one or two 15541

vocational education ADM in the same proportion the student is 15542
counted in formula ADM or average daily attendance. 15543

(D)(1) "Formula ADM" means, for a city, local, or exempted 15544
village school district, the number reported pursuant to division 15545
(A) of section 3317.03 of the Revised Code, and for a joint 15546
vocational school district, the number reported pursuant to 15547
division (D) of that section. 15548

(2) "Three-year average formula ADM" means the average of 15549
formula ADMs for the current and preceding two fiscal years. 15550
However, as applicable in fiscal years 1999 and 2000, the 15551
three-year average for city, local, and exempted village school 15552
districts shall be determined utilizing the FY 1997 ADM or FY 1998 15553
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 15554
years 2000 and 2001, the three-year average for joint vocational 15555
school districts shall be determined utilizing the average daily 15556
membership reported in fiscal years 1998 and 1999 under division 15557
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 15558
for fiscal years 1998 and 1999. 15559

~~(E)~~(3) "FY 1997 ADM" or "FY 1998 ADM" means the school 15560
district's average daily membership reported for the applicable 15561
fiscal year under the version of division (A) of section 3317.03 15562
of the Revised Code in effect during that fiscal year, adjusted as 15563
follows: 15564

~~(1)~~(a) Minus the average daily membership of handicapped 15565
preschool children; 15566

~~(2)~~(b) Minus one-half of the average daily membership 15567
attending kindergarten; 15568

~~(3)~~(c) Minus three-fourths of the average daily membership 15569
attending a joint vocational school district; 15570

~~(4)~~(d) Plus the average daily membership entitled under 15571
section 3313.64 or 3313.65 of the Revised Code to attend school in 15572

the district but receiving educational services in approved units 15573
from an educational service center or another school district 15574
under a compact or a cooperative education agreement, as 15575
determined by the department; 15576

~~(5)~~(e) Minus the average daily membership receiving 15577
educational services from the district in approved units but 15578
entitled under section 3313.64 or 3313.65 of the Revised Code to 15579
attend school in another school district, as determined by the 15580
department. 15581

(E) "Average daily attendance" means the average daily 15582
attendance reported for the prior month under section 3317.034 of 15583
the Revised Code. For purposes of calculating payments under 15584
division (A)(1) of section 3317.022, division (B) of section 15585
3317.16, and section 3317.0217 of the Revised Code in July, 15586
August, and September, the department of education shall use the 15587
average daily attendance reported for the prior May. 15588

(F)(1) "Category one special education ADM" means the average 15589
daily membership of handicapped children receiving special 15590
education services for the handicap specified in division (A) of 15591
section 3317.013 of the Revised Code and reported under division 15592
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 15593

(2) "Category two special education ADM" means the average 15594
daily membership of handicapped children receiving special 15595
education services for those handicaps specified in division (B) 15596
of section 3317.013 of the Revised Code and reported under 15597
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 15598
Code. 15599

(3) "Category three special education ADM" means the average 15600
daily membership of students receiving special education services 15601
for those handicaps specified in division (C) of section 3317.013 15602
of the Revised Code, and reported under division (B)(7) or 15603

(D)(2)(d) of section 3317.03 of the Revised Code. 15604

(4) "Category four special education ADM" means the average 15605
daily membership of students receiving special education services 15606
for those handicaps specified in division (D) of section 3317.013 15607
of the Revised Code and reported under division (B)(8) or 15608
(D)(2)(e) of section 3317.03 of the Revised Code. 15609

(5) "Category five special education ADM" means the average 15610
daily membership of students receiving special education services 15611
for the handicap specified in division (E) of section 3317.013 of 15612
the Revised Code and reported under division (B)(9) or (D)(2)(f) 15613
of section 3317.03 of the Revised Code. 15614

(6) "Category six special education ADM" means the average 15615
daily membership of students receiving special education services 15616
for the handicap specified in division (F) of section 3317.013 of 15617
the Revised Code and reported under division (B)(10) or (D)(2)(g) 15618
of section 3317.03 of the Revised Code. 15619

(7) "Category one vocational education ADM" means the average 15620
daily membership of students receiving vocational education 15621
services described in division (A) of section 3317.014 of the 15622
Revised Code and reported under division (B)(11) or (D)(2)(h) of 15623
section 3317.03 of the Revised Code. 15624

(8) "Category two vocational education ADM" means the average 15625
daily membership of students receiving vocational education 15626
services described in division (B) of section 3317.014 of the 15627
Revised Code and reported under division (B)(12) or (D)(2)(i) of 15628
section 3317.03 of the Revised Code. 15629

(G) "Handicapped preschool child" means a handicapped child, 15630
as defined in section 3323.01 of the Revised Code, who is at least 15631
age three but is not of compulsory school age, as defined in 15632
section 3321.01 of the Revised Code, and who is not currently 15633
enrolled in kindergarten. 15634

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	15635 15636
(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.	15637 15638
(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.	15639 15640 15641
(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.	15642 15643 15644 15645
(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.	15646 15647 15648 15649
(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.	15650 15651 15652 15653
(N) "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. 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.	15654 15655 15656 15657 15658 15659 15660 15661 15662 15663
COST-OF-DOING-BUSINESS	15664
COUNTY FACTOR AMOUNT	15665

Adams	1.0061	15666
Allen	1.0236	15667
Ashland	1.0331	15668
Ashtabula	1.0431	15669
Athens	1.0038	15670
Auglaize	1.0272	15671
Belmont	1.0043	15672
Brown	1.0207	15673
Butler	1.0663	15674
Carroll	1.0148	15675
Champaign	1.0413	15676
Clark	1.0443	15677
Clermont	1.0532	15678
Clinton	1.0296	15679
Columbiana	1.0262	15680
Coshocton	1.0200	15681
Crawford	1.0140	15682
Cuyahoga	1.0672	15683
Darke	1.0343	15684
Defiance	1.0165	15685
Delaware	1.0479	15686
Erie	1.0372	15687
Fairfield	1.0354	15688
Fayette	1.0258	15689
Franklin	1.0519	15690
Fulton	1.0361	15691
Gallia	1.0000	15692
Geauga	1.0528	15693
Greene	1.0407	15694
Guernsey	1.0064	15695
Hamilton	1.0750	15696
Hancock	1.0215	15697
Hardin	1.0348	15698

Harrison	1.0081	15699
Henry	1.0338	15700
Highland	1.0129	15701
Hocking	1.0151	15702
Holmes	1.0238	15703
Huron	1.0305	15704
Jackson	1.0118	15705
Jefferson	1.0067	15706
Knox	1.0258	15707
Lake	1.0556	15708
Lawrence	1.0122	15709
Licking	1.0375	15710
Logan	1.0362	15711
Lorain	1.0521	15712
Lucas	1.0406	15713
Madison	1.0437	15714
Mahoning	1.0384	15715
Marion	1.0263	15716
Medina	1.0595	15717
Meigs	1.0018	15718
Mercer	1.0199	15719
Miami	1.0415	15720
Monroe	1.0097	15721
Montgomery	1.0476	15722
Morgan	1.0128	15723
Morrow	1.0276	15724
Muskingum	1.0145	15725
Noble	1.0103	15726
Ottawa	1.0468	15727
Paulding	1.0140	15728
Perry	1.0154	15729
Pickaway	1.0326	15730
Pike	1.0094	15731

Portage	1.0516	15732
Preble	1.0476	15733
Putnam	1.0243	15734
Richland	1.0213	15735
Ross	1.0085	15736
Sandusky	1.0307	15737
Scioto	1.0029	15738
Seneca	1.0223	15739
Shelby	1.0263	15740
Stark	1.0300	15741
Summit	1.0598	15742
Trumbull	1.0381	15743
Tuscarawas	1.0097	15744
Union	1.0446	15745
Van Wert	1.0133	15746
Vinton	1.0070	15747
Warren	1.0659	15748
Washington	1.0075	15749
Wayne	1.0404	15750
Williams	1.0284	15751
Wood	1.0382	15752
Wyandot	1.0188	15753

(O) "Tax exempt value" of a school district means the amount 15754
certified for a school district under division (A)(4) of section 15755
3317.021 of the Revised Code. 15756

(P) "Potential value" of a school district means the 15757
recognized valuation of a school district plus the tax exempt 15758
value of the district. 15759

(Q) "District median income" means the median Ohio adjusted 15760
gross income certified for a school district. On or before the 15761
first day of July of each year, the tax commissioner shall certify 15762
to the department of education for each city, exempted village, 15763

and local school district the median Ohio adjusted gross income of 15764
the residents of the school district determined on the basis of 15765
tax returns filed for the second preceding tax year by the 15766
residents of the district. 15767

(R) "Statewide median income" means the median district 15768
median income of all city, exempted village, and local school 15769
districts in the state. 15770

(S) "Income factor" for a city, exempted village, or local 15771
school district means the quotient obtained by dividing that 15772
district's median income by the statewide median income. 15773

(T) "Medically fragile child" means a child to whom all of 15774
the following apply: 15775

(1) The child requires the services of a doctor of medicine 15776
or osteopathic medicine at least once a week due to the 15777
instability of the child's medical condition. 15778

(2) The child requires the services of a registered nurse on 15779
a daily basis. 15780

(3) The child is at risk of institutionalization in a 15781
hospital, skilled nursing facility, or intermediate care facility 15782
for the mentally retarded. 15783

(U) A child may be identified as "other health 15784
handicapped-major" if the child's condition meets the definition 15785
of "other health impaired" established in rules adopted by the 15786
state board of education prior to ~~the effective date of this~~ 15787
~~amendment~~ July 1, 2001, and if either of the following apply: 15788

(1) The child is identified as having a medical condition 15789
that is among those listed by the superintendent of public 15790
instruction as conditions where a substantial majority of cases 15791
fall within the definition of "medically fragile child." The 15792
superintendent of public instruction shall issue an initial list 15793

no later than September 1, 2001. 15794

(2) The child is determined by the superintendent of public 15795
instruction to be a medically fragile child. A school district 15796
superintendent may petition the superintendent of public 15797
instruction for a determination that a child is a medically 15798
fragile child. 15799

(V) A child may be identified as "other health 15800
handicapped-minor" if the child's condition meets the definition 15801
of "other health impaired" established in rules adopted by the 15802
state board of education prior to ~~the effective date of this~~ 15803
~~amendment~~ July 1, 2001, but the child's condition does not meet 15804
either of the conditions specified in division (U)(1) or (2) of 15805
this section. 15806

Sec. 3317.022. (A)(1) The department of education shall 15807
compute and distribute state base cost funding to each school 15808
district for the fiscal year in accordance with the following 15809
formula, making any adjustment required by division (A)(2) of this 15810
section and using the information obtained under section 3317.021 15811
of the Revised Code in the calendar year in which the fiscal year 15812
begins. 15813

Compute the following for each eligible district: 15814

$$\{(\text{cost-of-doing-business factor X}$$
 15815
$$\text{the formula amount X } (\text{the greater of formula ADM}$$
 15816
$$\text{or three-year average formula ADM})\}$$
 15817
$$\text{average daily attendance) -}$$
 15818
$$(.023 \text{ X recognized valuation})$$
 15819

If the difference obtained is a negative number, the 15820
district's computation shall be zero. 15821

(2)(a) For each school district for which the tax exempt 15822
value of the district equals or exceeds twenty-five per cent of 15823

the potential value of the district, the department of education 15824
shall calculate the difference between the district's tax exempt 15825
value and twenty-five per cent of the district's potential value. 15826

(b) For each school district to which division (A)(2)(a) of 15827
this section applies, the department shall adjust the recognized 15828
valuation used in the calculation under division (A)(1) of this 15829
section by subtracting from it the amount calculated under 15830
division (A)(2)(a) of this section. 15831

(B) As used in this section: 15832

(1) The "total special education weight" for a district means 15833
the sum of the following amounts: 15834

(a) The district's category one special education ADM 15835
multiplied by the multiple specified in division (A) of section 15836
3317.013 of the Revised Code; 15837

(b) The district's category two special education ADM 15838
multiplied by the multiple specified in division (B) of section 15839
3317.013 of the Revised Code; 15840

(c) The district's category three special education ADM 15841
multiplied by the multiple specified in division (C) of section 15842
3317.013 of the Revised Code; 15843

(d) The district's category four special education ADM 15844
multiplied by the multiple specified in division (D) of section 15845
3317.013 of the Revised Code; 15846

(e) The district's category five special education ADM 15847
multiplied by the multiple specified in division (E) of section 15848
3317.013 of the Revised Code; 15849

(f) The district's category six special education ADM 15850
multiplied by the multiple specified in division (F) of section 15851
3317.013 of the Revised Code. 15852

(2) "State share percentage" means the monthly percentage 15853

calculated for a district as follows: 15854

(a) Calculate the state base cost funding amount for the 15855
district for the fiscal year under division (A) of this section. 15856
If the district would not receive any state base cost funding for 15857
that year under that division, the district's state share 15858
percentage is zero. 15859

(b) If the district would receive state base cost funding 15860
under that division, divide that amount by an amount equal to the 15861
following: 15862

Cost-of-doing-business factor X 15863
the formula amount X ~~(the greater of formula~~ 15864
~~ADM or three-year average formula ADM)~~ 15865
average daily attendance 15866

The resultant number is the district's state share 15867
percentage. 15868

(3) "Related services" includes: 15869

(a) Child study, special education supervisors and 15870
coordinators, speech and hearing services, adaptive physical 15871
development services, occupational or physical therapy, teacher 15872
assistants for handicapped children whose handicaps are described 15873
in division (B) of section 3317.013 or division (F)(3) of section 15874
3317.02 of the Revised Code, behavioral intervention, interpreter 15875
services, work study, nursing services, and specialized 15876
integrative services as those terms are defined by the department; 15877

(b) Speech and language services provided to any student with 15878
a handicap, including any student whose primary or only handicap 15879
is a speech and language handicap; 15880

(c) Any related service not specifically covered by other 15881
state funds but specified in federal law, including but not 15882
limited to, audiology and school psychological services; 15883

(d) Any service included in units funded under former	15884
division (O)(1) of section 3317.023 of the Revised Code;	15885
(e) Any other related service needed by handicapped children	15886
in accordance with their individualized education plans.	15887
(4) The "total vocational education weight" for a district	15888
means the sum of the following amounts:	15889
(a) The district's category one vocational education ADM	15890
multiplied by the multiple specified in division (A) of section	15891
3317.014 of the Revised Code;	15892
(b) The district's category two vocational education ADM	15893
multiplied by the multiple specified in division (B) of section	15894
3317.014 of the Revised Code.	15895
(C)(1) The department shall compute and distribute state	15896
special education and related services additional weighted costs	15897
funds to each school district in accordance with the following	15898
formula:	15899
The district's state share percentage	15900
X the formula amount for the year	15901
for which the aid is calculated	15902
X the district's total special education weight	15903
(2) The attributed local share of special education and	15904
related services additional weighted costs equals:	15905
(1 - the district's state share percentage) X	15906
the district's total special education weight X	15907
the formula amount	15908
(3)(a) The department shall compute and pay in accordance	15909
with this division additional state aid to school districts for	15910
students in categories two through six special education ADM. If a	15911
district's costs for the fiscal year for a student in its	15912
categories two through six special education ADM exceed the	15913

threshold catastrophic cost for serving the student, the district 15914
may submit to the superintendent of public instruction 15915
documentation, as prescribed by the superintendent, of all its 15916
costs for that student. Upon submission of documentation for a 15917
student of the type and in the manner prescribed, the department 15918
shall pay to the district an amount equal to the sum of the 15919
following: 15920

(i) One-half of the district's costs for the student in 15921
excess of the threshold catastrophic cost; 15922

(ii) The product of one-half of the district's costs for the 15923
student in excess of the threshold catastrophic cost multiplied by 15924
the district's state share percentage. 15925

(b) For purposes of division (C)(3)(a) of this section, the 15926
threshold catastrophic cost for serving a student equals: 15927

(i) For a student in the school district's category two, 15928
three, four, or five special education ADM, twenty-five thousand 15929
dollars in fiscal year 2002 and twenty-five thousand seven hundred 15930
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 15931

(ii) For a student in the district's category six special 15932
education ADM, thirty thousand dollars in fiscal year 2002 and 15933
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 15934
2003, 2004, and 2005. 15935

~~The threshold catastrophic costs for fiscal year 2003 15936
represent a two and eight tenths per cent inflationary increase 15937
over fiscal year 2002. 15938~~

(c) The district shall only report under division (C)(3)(a) 15939
of this section, and the department shall only pay for, the costs 15940
of educational expenses and the related services provided to the 15941
student in accordance with the student's individualized education 15942
program. Any legal fees, court costs, or other costs associated 15943
with any cause of action relating to the student may not be 15944

included in the amount. 15945

~~(5)~~(4)(a) As used in this division, the "personnel allowance" 15946
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 15947
2004, and 2005. 15948

(b) For the provision of speech services to students, 15949
including students who do not have individualized education 15950
programs prepared for them under Chapter 3323. of the Revised 15951
Code, and for no other purpose, the department of education shall 15952
pay each school district an amount calculated under the following 15953
formula: 15954

(formula ADM divided by 2000) X 15955
the personnel allowance X the state share percentage 15956

(5) In any fiscal year, a school district shall spend for 15957
purposes that the department designates as approved for special 15958
education and related services expenses at least the amount 15959
calculated as follows: 15960

(cost-of-doing-business factor X 15961
formula amount X the sum of categories 15962
one through six special education ADM) + 15963
(total special education weight X formula amount) 15964

The purposes approved by the department for special education 15965
expenses shall include, but shall not be limited to, 15966
identification of handicapped children, compliance with state 15967
rules governing the education of handicapped children and 15968
prescribing the continuum of program options for handicapped 15969
children, and the portion of the school district's overall 15970
administrative and overhead costs that are attributable to the 15971
district's special education student population. 15972

The department shall require school districts to report data 15973
annually to allow for monitoring compliance with division (C)(5) 15974
of this section. The department shall annually report to the 15975

governor and the general assembly the amount of money spent by 15976
each school district for special education and related services. 15977

(D)(1) As used in this division: 15978

(a) "Daily bus miles per student" equals the number of bus 15979
miles traveled per day, divided by transportation base. 15980

(b) "Transportation base" equals total student count as 15981
defined in section 3301.011 of the Revised Code, minus the number 15982
of students enrolled in preschool handicapped units, plus the 15983
number of nonpublic school students included in transportation 15984
ADM. 15985

(c) "Transported student percentage" equals transportation 15986
ADM divided by transportation base. 15987

(d) "Transportation cost per student" equals total operating 15988
costs for board-owned or contractor-operated school buses divided 15989
by transportation base. 15990

(2) Analysis of student transportation cost data has resulted 15991
in a finding that an average efficient transportation use cost per 15992
student can be calculated by means of a regression formula that 15993
has as its two independent variables the number of daily bus miles 15994
per student and the transported student percentage. For fiscal 15995
year 1998 transportation cost data, the average efficient 15996
transportation use cost per student is expressed as follows: 15997

51.79027 + (139.62626 X daily bus miles per student) + 15998
(116.25573 X transported student percentage) 15999

The department of education shall annually determine the 16000
average efficient transportation use cost per student in 16001
accordance with the principles stated in division (D)(2) of this 16002
section, updating the intercept and regression coefficients of the 16003
regression formula modeled in this division, based on an annual 16004
statewide analysis of each school district's daily bus miles per 16005
student, transported student percentage, and transportation cost 16006

per student data. The department shall conduct the annual update 16007
using data, including daily bus miles per student, transported 16008
student percentage, and transportation cost per student data, from 16009
the prior fiscal year. The department shall notify the office of 16010
budget and management of such update by the fifteenth day of 16011
February of each year. 16012

(3) In addition to funds paid under divisions (A), (C), and 16013
(E) of this section, each district with a transported student 16014
percentage greater than zero shall receive a payment equal to a 16015
percentage of the product of the district's transportation base 16016
from the prior fiscal year times the annually updated average 16017
efficient transportation use cost per student, times an inflation 16018
factor of two and eight tenths per cent to account for the 16019
one-year difference between the data used in updating the formula 16020
and calculating the payment and the year in which the payment is 16021
made. The percentage shall be the following percentage of that 16022
product specified for the corresponding fiscal year: 16023

FISCAL YEAR	PERCENTAGE	
2000	52.5%	16025
2001	55%	16026
2002	57.5%	16027
2003 and thereafter	The greater of 60% or the district's state share percentage	16028

The payments made under division (D)(3) of this section each 16029
year shall be calculated based on all of the same prior year's 16030
data used to update the formula. 16031

(4) In addition to funds paid under divisions (D)(2) and (3) 16032
of this section, a school district shall receive a rough road 16033
subsidy if both of the following apply: 16034

(a) Its county rough road percentage is higher than the 16035
statewide rough road percentage, as those terms are defined in 16036

division (D)(5) of this section; 16037

(b) Its district student density is lower than the statewide 16038
student density, as those terms are defined in that division. 16039

(5) The rough road subsidy paid to each district meeting the 16040
qualifications of division (D)(4) of this section shall be 16041
calculated in accordance with the following formula: 16042

(per rough mile subsidy X total rough road miles) X 16043
density multiplier 16044

where: 16045

(a) "Per rough mile subsidy" equals the amount calculated in 16046
accordance with the following formula: 16047

0.75 - {0.75 X [(maximum rough road percentage - 16048
county rough road percentage)/(maximum rough road percentage - 16049
statewide rough road percentage)]} 16050
16051

(i) "Maximum rough road percentage" means the highest county 16052
rough road percentage in the state. 16053

(ii) "County rough road percentage" equals the percentage of 16054
the mileage of state, municipal, county, and township roads that 16055
is rated by the department of transportation as type A, B, C, E2, 16056
or F in the county in which the school district is located or, if 16057
the district is located in more than one county, the county to 16058
which it is assigned for purposes of determining its 16059
cost-of-doing-business factor. 16060

(iii) "Statewide rough road percentage" means the percentage 16061
of the statewide total mileage of state, municipal, county, and 16062
township roads that is rated as type A, B, C, E2, or F by the 16063
department of transportation. 16064

(b) "Total rough road miles" means a school district's total 16065
bus miles traveled in one year times its county rough road 16066

percentage. 16067

(c) "Density multiplier" means a figure calculated in 16068
accordance with the following formula: 16069

1 - [(minimum student density - district student 16070
density)/(minimum student density - 16071
statewide student density)] 16072

(i) "Minimum student density" means the lowest district 16073
student density in the state. 16074

(ii) "District student density" means a school district's 16075
transportation base divided by the number of square miles in the 16076
district. 16077

(iii) "Statewide student density" means the sum of the 16078
transportation bases for all school districts divided by the sum 16079
of the square miles in all school districts. 16080

(6) In addition to funds paid under divisions (D)(2) to (5) 16081
of this section, each district shall receive in accordance with 16082
rules adopted by the state board of education a payment for 16083
students transported by means other than board-owned or 16084
contractor-operated buses and whose transportation is not funded 16085
under division (J) of section 3317.024 of the Revised Code. The 16086
rules shall include provisions for school district reporting of 16087
such students. 16088

(E)(1) The department shall compute and distribute state 16089
vocational education additional weighted costs funds to each 16090
school district in accordance with the following formula: 16091

state share percentage X 16092
the formula amount X 16093
total vocational education weight 16094

In any fiscal year, a school district receiving funds under 16095
division (E)(1) of this section shall spend those funds only for 16096
the purposes that the department designates as approved for 16097

vocational education expenses. 16098

(2) The department shall compute for each school district 16099
state funds for vocational education associated services in 16100
accordance with the following formula: 16101

state share percentage X .05 X 16102

the formula amount X the sum of categories one and two 16103

vocational education ADM 16104

In any fiscal year, a school district receiving funds under 16105
division (E)(2) of this section, or through a transfer of funds 16106
pursuant to division (L) of section 3317.023 of the Revised Code, 16107
shall spend those funds only for the purposes that the department 16108
designates as approved for vocational education associated 16109
services expenses, which may include such purposes as 16110
apprenticeship coordinators, coordinators for other vocational 16111
education services, vocational evaluation, and other purposes 16112
designated by the department. The department may deny payment 16113
under division (E)(2) of this section to any district that the 16114
department determines is not operating those services or is using 16115
funds paid under division (E)(2) of this section, or through a 16116
transfer of funds pursuant to division (L) of section 3317.023 of 16117
the Revised Code, for other purposes. 16118

(F) Beginning in fiscal year 2003, the actual local share in 16119
any fiscal year for the combination of special education and 16120
related services additional weighted costs funding calculated 16121
under division (C)(1) of this section, transportation funding 16122
calculated under divisions (D)(2) and (3) of this section, and 16123
vocational education and associated services additional weighted 16124
costs funding calculated under divisions (E)(1) and (2) of this 16125
section shall not exceed for any school district the product of 16126
three mills times the district's recognized valuation. Beginning 16127
in fiscal year 2003, the department annually shall pay each school 16128
district as an excess cost supplement any amount by which the sum 16129

of the district's attributed local shares for that funding exceeds 16130
that product. For purposes of calculating the excess cost 16131
supplement: 16132

(1) The attributed local share for special education and 16133
related services additional weighted costs funding is the amount 16134
specified in division (C)(2) of this section. 16135

(2) The attributed local share of transportation funding 16136
equals the difference of the total amount calculated for the 16137
district using the formula developed under division (D)(2) of this 16138
section minus the actual amount paid to the district after 16139
applying the percentage specified in division (D)(3) of this 16140
section. 16141

(3) The attributed local share of vocational education and 16142
associated services additional weighted costs funding is the 16143
amount determined as follows: 16144

(1 - state share percentage) X 16145
[(total vocational education weight X the formula amount) + 16146
the payment under division (E)(2) of this section] 16147

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 16148
Revised Code, the amounts required to be paid to a district under 16149
this chapter shall be adjusted by the amount of the computations 16150
made under divisions (B) to ~~(L)~~(M) of this section. 16151

As used in this section: 16152

(1) "Classroom teacher" means a licensed employee who 16153
provides direct instruction to pupils, excluding teachers funded 16154
from money paid to the district from federal sources; educational 16155
service personnel; and vocational and special education teachers. 16156

(2) "Educational service personnel" shall not include such 16157
specialists funded from money paid to the district from federal 16158
sources or assigned full-time to vocational or special education 16159

students and classes and may only include those persons employed 16160
in the eight specialist areas in a pattern approved by the 16161
department of education under guidelines established by the state 16162
board of education. 16163

(3) "Annual salary" means the annual base salary stated in 16164
the state minimum salary schedule for the performance of the 16165
teacher's regular teaching duties that the teacher earns for 16166
services rendered for the first full week of October of the fiscal 16167
year for which the adjustment is made under division (C) of this 16168
section. It shall not include any salary payments for supplemental 16169
teachers contracts. 16170

(4) "Regular student population" means the formula ADM plus 16171
the number of students reported as enrolled in the district 16172
pursuant to division (A)(1) of section 3313.981 of the Revised 16173
Code; minus the number of students reported under division (A)(2) 16174
of section 3317.03 of the Revised Code; minus the FTE of students 16175
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 16176
(12) of that section who are enrolled in a vocational education 16177
class or receiving special education; and minus one-fourth of the 16178
students enrolled concurrently in a joint vocational school 16179
district. 16180

(5) "State share percentage" has the same meaning as in 16181
section 3317.022 of the Revised Code. 16182

(6) "VEPD" means a school district or group of school 16183
districts designated by the department of education as being 16184
responsible for the planning for and provision of vocational 16185
education services to students within the district or group. 16186

(7) "Lead district" means a school district, including a 16187
joint vocational school district, designated by the department as 16188
a VEPD, or designated to provide primary vocational education 16189
leadership within a VEPD composed of a group of districts. 16190

(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 16221
3313.42 of the Revised Code. Deduct the amount obtained from the 16222
following computations if the district employs fewer than five 16223
full-time equivalent educational service personnel, including 16224
elementary school art, music, and physical education teachers, 16225
counselors, librarians, visiting teachers, school social workers, 16226
and school nurses for each one thousand pupils in the regular 16227
student population: 16228

(1) Divide the number of full-time equivalent educational 16229
service personnel employed by the district by five 16230
one-thousandths; 16231

(2) Subtract the quotient in (1) from the district's regular 16232
student population; 16233

(3) Multiply the difference in (2) by ninety-four dollars. 16234

(E) If a local school district, or a city or exempted village 16235
school district to which a governing board of an educational 16236
service center provides services pursuant to section 3313.843 of 16237
the Revised Code, deduct the amount of the payment required for 16238
the reimbursement of the governing board under section 3317.11 of 16239
the Revised Code. 16240

(F)(1) If the district is required to pay to or entitled to 16241
receive tuition from another school district under division (C)(2) 16242
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 16243
or if the superintendent of public instruction is required to 16244
determine the correct amount of tuition and make a deduction or 16245
credit under section 3317.08 of the Revised Code, deduct and 16246
credit such amounts as provided in division (I) of section 3313.64 16247
or section 3317.08 of the Revised Code. 16248

(2) For each child for whom the district is responsible for 16249
tuition or payment under division (A)(1) of section 3317.082 or 16250
section 3323.091 of the Revised Code, deduct the amount of tuition 16251

or payment for which the district is responsible. 16252

(G) If the district has been certified by the superintendent 16253
of public instruction under section 3313.90 of the Revised Code as 16254
not in compliance with the requirements of that section, deduct an 16255
amount equal to ten per cent of the amount computed for the 16256
district under section 3317.022 of the Revised Code. 16257

(H) If the district has received a loan from a commercial 16258
lending institution for which payments are made by the 16259
superintendent of public instruction pursuant to division (E)(3) 16260
of section 3313.483 of the Revised Code, deduct an amount equal to 16261
such payments. 16262

(I)(1) If the district is a party to an agreement entered 16263
into under division (D), (E), or (F) of section 3311.06 or 16264
division (B) of section 3311.24 of the Revised Code and is 16265
obligated to make payments to another district under such an 16266
agreement, deduct an amount equal to such payments if the district 16267
school board notifies the department in writing that it wishes to 16268
have such payments deducted. 16269

(2) If the district is entitled to receive payments from 16270
another district that has notified the department to deduct such 16271
payments under division (I)(1) of this section, add the amount of 16272
such payments. 16273

(J) If the district is required to pay an amount of funds to 16274
a cooperative education district pursuant to a provision described 16275
by division (B)(4) of section 3311.52 or division (B)(8) of 16276
section 3311.521 of the Revised Code, deduct such amounts as 16277
provided under that provision and credit those amounts to the 16278
cooperative education district for payment to the district under 16279
division (B)(1) of section 3317.19 of the Revised Code. 16280

(K)(1) If a district is educating a student entitled to 16281
attend school in another district pursuant to a shared education 16282

contract, compact, or cooperative education agreement other than 16283
an agreement entered into pursuant to section 3313.842 of the 16284
Revised Code, credit to that educating district on an FTE basis 16285
both of the following: 16286

(a) An amount equal to the formula amount times the cost of 16287
doing business factor of the school district where the student is 16288
entitled to attend school pursuant to section 3313.64 or 3313.65 16289
of the Revised Code; 16290

(b) An amount equal to the formula amount times the state 16291
share percentage times any multiple applicable to the student 16292
pursuant to section 3317.013 or 3317.014 of the Revised Code. 16293

(2) Deduct any amount credited pursuant to division (K)(1) of 16294
this section from amounts paid to the school district in which the 16295
student is entitled to attend school pursuant to section 3313.64 16296
or 3313.65 of the Revised Code. 16297

(3) If the district is required by a shared education 16298
contract, compact, or cooperative education agreement to make 16299
payments to an educational service center, deduct the amounts from 16300
payments to the district and add them to the amounts paid to the 16301
service center pursuant to section 3317.11 of the Revised Code. 16302

(L)(1) If a district, including a joint vocational school 16303
district, is a lead district of a VEPD, credit to that district 16304
the amounts calculated for all the school districts within that 16305
VEPD pursuant to division (E)(2) of section 3317.022 of the 16306
Revised Code. 16307

(2) Deduct from each appropriate district that is not a lead 16308
district, the amount attributable to that district that is 16309
credited to a lead district under division (L)(1) of this section. 16310

(M) If the department pays a joint vocational school district 16311
under division (G)(4) of section 3317.16 of the Revised Code for 16312
excess costs of providing special education and related services 16313

to a handicapped student, as calculated under division (G)(2) of 16314
that section, the department shall deduct the amount of that 16315
payment from the city, local, or exempted village school district 16316
that is responsible as specified in that section for the excess 16317
costs. 16318

Sec. 3317.024. In addition to the moneys paid to eligible 16319
school districts pursuant to section 3317.022 of the Revised Code, 16320
moneys appropriated for the education programs in divisions (A) to 16321
(H), (J) to (L), (O), (P), and (R) of this section shall be 16322
distributed to school districts meeting the requirements of 16323
section 3317.01 of the Revised Code; in the case of divisions (J) 16324
and (P) of this section, to educational service centers as 16325
provided in section 3317.11 of the Revised Code; in the case of 16326
divisions (E), (M), and (N) of this section, to county MR/DD 16327
boards; in the case of division (R) of this section, to joint 16328
vocational school districts; in the case of division (K) of this 16329
section, to cooperative education school districts; and in the 16330
case of division (Q) of this section, to the institutions defined 16331
under section 3317.082 of the Revised Code providing elementary or 16332
secondary education programs to children other than children 16333
receiving special education under section 3323.091 of the Revised 16334
Code. The following shall be distributed monthly, quarterly, or 16335
annually as may be determined by the state board of education: 16336

(A) A per pupil amount to each school district that 16337
establishes a summer school remediation program that complies with 16338
rules of the state board of education. 16339

(B) An amount for each island school district and each joint 16340
state school district for the operation of each high school and 16341
each elementary school maintained within such district and for 16342
capital improvements for such schools. Such amounts shall be 16343
determined on the basis of standards adopted by the state board of 16344

education. 16345

(C) An amount for each school district operating classes for 16346
children of migrant workers who are unable to be in attendance in 16347
an Ohio school during the entire regular school year. The amounts 16348
shall be determined on the basis of standards adopted by the state 16349
board of education, except that payment shall be made only for 16350
subjects regularly offered by the school district providing the 16351
classes. 16352

(D) An amount for each school district with guidance, 16353
testing, and counseling programs approved by the state board of 16354
education. The amount shall be determined on the basis of 16355
standards adopted by the state board of education. 16356

(E) An amount for the emergency purchase of school buses as 16357
provided for in section 3317.07 of the Revised Code; 16358

(F) An amount for each school district required to pay 16359
tuition for a child in an institution maintained by the department 16360
of youth services pursuant to section 3317.082 of the Revised 16361
Code, provided the child was not included in the calculation of 16362
the district's average daily membership for the preceding school 16363
year. 16364

(G) In fiscal year 2000 only, an amount to each school 16365
district for supplemental salary allowances for each licensed 16366
employee except those licensees serving as superintendents, 16367
assistant superintendents, principals, or assistant principals, 16368
whose term of service in any year is extended beyond the term of 16369
service of regular classroom teachers, as described in section 16370
3301.0725 of the Revised Code; 16371

(H) An amount for adult basic literacy education for each 16372
district participating in programs approved by the state board of 16373
education. The amount shall be determined on the basis of 16374
standards adopted by the state board of education. 16375

(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 16408
twelve in nonpublic elementary and high schools within the state 16409
as determined during the first full week in October of each school 16410
year. 16411

(M) An amount for each county MR/DD board, distributed on the 16412
basis of standards adopted by the state board of education, for 16413
the approved cost of transportation required for children 16414
attending special education programs operated by the county MR/DD 16415
board under section 3323.09 of the Revised Code; 16416

(N) An amount for each county MR/DD board, distributed on the 16417
basis of standards adopted by the state board of education, for 16418
supportive home services for preschool children; 16419

(O) An amount for each school district that establishes a 16420
mentor teacher program that complies with rules of the state board 16421
of education. No school district shall be required to establish or 16422
maintain such a program in any year unless sufficient funds are 16423
appropriated to cover the district's total costs for the program. 16424

(P) An amount to each school district or educational service 16425
center for the total number of gifted units approved pursuant to 16426
section 3317.05 of the Revised Code. The amount for each such unit 16427
shall be the sum of the minimum salary for the teacher of the 16428
unit, calculated on the basis of the teacher's training level and 16429
years of experience pursuant to the salary schedule prescribed in 16430
the version of section 3317.13 of the Revised Code in effect prior 16431
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 16432
per cent of that minimum salary amount, plus two thousand six 16433
hundred seventy-eight dollars. 16434

(Q) An amount to each institution defined under section 16435
3317.082 of the Revised Code providing elementary or secondary 16436
education to children other than children receiving special 16437
education under section 3323.091 of the Revised Code. This amount 16438

for any institution in any fiscal year shall equal the total of 16439
all tuition amounts required to be paid to the institution under 16440
division (A)(1) of section 3317.082 of the Revised Code. 16441

(R) A grant to each school district and joint vocational 16442
school district that operates a "graduation, reality, and 16443
dual-role skills" (GRADS) program for pregnant and parenting 16444
students that is approved by the department. The amount of the 16445
payment shall be the district's state share percentage, as defined 16446
in section 3317.022 or 3317.16 of the Revised Code, times the 16447
GRADS personnel allowance times the full-time-equivalent number of 16448
GRADS teachers approved by the department. The GRADS personnel 16449
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 16450
2005. 16451

The state board of education or any other board of education 16452
or governing board may provide for any resident of a district or 16453
educational service center territory any educational service for 16454
which funds are made available to the board by the United States 16455
under the authority of public law, whether such funds come 16456
directly or indirectly from the United States or any agency or 16457
department thereof or through the state or any agency, department, 16458
or political subdivision thereof. 16459

Sec. 3317.029. (A) As used in this section: 16460

(1) "DPIA percentage" means: 16461

(a) In fiscal years prior to fiscal year 2004, the quotient 16462
obtained by dividing the five-year average number of children ages 16463
five to seventeen residing in the school district and living in a 16464
family receiving assistance under the Ohio works first program or 16465
an antecedent program known as TANF or ADC, as certified or 16466
adjusted under section 3317.10 of the Revised Code, by the 16467
district's three-year average formula ADM. 16468

(b) Beginning in fiscal year 2004, the 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;

(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 financial assistance program established under Chapter 5115. of the Revised Code;

(f) The disability medical 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 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 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 16499
federal poverty guidelines and that receives family assistance, 16500
divided by the sum of the three-year average formula ADMs for all 16501
school districts in the state. 16502

(4) "DPIA index" means the quotient obtained by dividing the 16503
school district's DPIA percentage by the statewide DPIA 16504
percentage. 16505

(5) "Federal poverty guidelines" has the same meaning as in 16506
section 5101.46 of the Revised Code. 16507

(6) "DPIA student count" means: 16508

(a) In fiscal years prior to fiscal year 2004, the five-year 16509
average number of children ages five to seventeen residing in the 16510
school district and living in a family receiving assistance under 16511
the Ohio works first program or an antecedent program known as 16512
TANF or ADC, as certified under section 3317.10 of the Revised 16513
Code; 16514

(b) Beginning in fiscal year 2004, the unduplicated number of 16515
children ages five to seventeen residing in the school district 16516
and living in a family that has family income not exceeding the 16517
federal poverty guidelines and that receives family assistance, as 16518
certified or adjusted under section 3317.10 of the Revised Code. 16519

(7) "Kindergarten ADM" means the number of students reported 16520
under section 3317.03 of the Revised Code as enrolled in 16521
kindergarten. 16522

(8) "Kindergarten through third grade ADM" means the amount 16523
calculated as follows: 16524

(a) Multiply the kindergarten ADM by the sum of one plus the 16525
all-day kindergarten percentage; 16526

(b) Add the number of students in grades one through three; 16527

(c) Subtract from the sum calculated under division (A)(6)(b) 16528

of this section the number of special education students in grades 16529
kindergarten through three. 16530

(9) "Statewide average teacher salary" means forty-two 16531
thousand four hundred sixty-nine dollars in fiscal year 2002, and 16532
forty-three thousand six hundred fifty-eight dollars in fiscal 16533
year 2003, which includes an amount for the value of fringe 16534
benefits. 16535

(10) "All-day kindergarten" means a kindergarten class that 16536
is in session five days per week for not less than the same number 16537
of clock hours each day as for pupils in grades one through six. 16538

(11) "All-day kindergarten percentage" means the percentage 16539
of a district's actual total number of students enrolled in 16540
kindergarten who are enrolled in all-day kindergarten. 16541

(12) "Buildings with the highest concentration of need" 16542
means: 16543

(a) In fiscal years prior to fiscal year 2004, the school 16544
buildings in a district with percentages of students in grades 16545
kindergarten through three receiving assistance under Ohio works 16546
first at least as high as the district-wide percentage of students 16547
receiving such assistance. 16548

(b) Beginning in fiscal year 2004, the school buildings in a 16549
district with percentages of students in grades kindergarten 16550
through three receiving family assistance at least as high as the 16551
district-wide percentage of students receiving family assistance. 16552

(c) If, in any fiscal year, the information provided by the 16553
department of job and family services under section 3317.10 of the 16554
Revised Code is insufficient to determine the Ohio works first or 16555
family assistance percentage in each building, "buildings with the 16556
highest concentration of need" has the meaning given in rules that 16557
the department of education shall adopt. The rules shall base the 16558
definition of "buildings with the highest concentration of need" 16559

on family income of students in grades kindergarten through three 16560
in a manner that, to the extent possible with available data, 16561
approximates the intent of this division and division (G) of this 16562
section to designate buildings where the Ohio works first or 16563
family assistance percentage in those grades equals or exceeds the 16564
district-wide Ohio works first or family assistance percentage. 16565

(B) In addition to the amounts required to be paid to a 16566
school district under section 3317.022 of the Revised Code, a 16567
school district shall receive the greater of the amount the 16568
district received in fiscal year 1998 pursuant to division (B) of 16569
section 3317.023 of the Revised Code as it existed at that time or 16570
the sum of the computations made under divisions (C) to (E) of 16571
this section. 16572

(C) A supplemental payment that may be utilized for measures 16573
related to safety and security and for remediation or similar 16574
programs, calculated as follows: 16575

(1) If the DPIA index of the school district is greater than 16576
or equal to thirty-five-hundredths, but less than one, an amount 16577
obtained by multiplying the district's DPIA student count by two 16578
hundred thirty dollars; 16579

(2) If the DPIA index of the school district is greater than 16580
or equal to one, an amount obtained by multiplying the DPIA index 16581
by two hundred thirty dollars and multiplying that product by the 16582
district's DPIA student count. 16583

Except as otherwise provided in division (F) of this section, 16584
beginning with the school year that starts July 1, 2002, each 16585
school district annually shall use at least twenty per cent of the 16586
funds calculated for the district under this division for 16587
intervention services required by section 3313.608 of the Revised 16588
Code. 16589

(D) A payment for all-day kindergarten if the DPIA index of 16590

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 16622
through third grade ADM for the district and divide that product 16623
by one thousand; 16624

(3) Calculate the number of new teachers as follows: 16625

(a) Multiply the kindergarten through third grade ADM by 16626
43.478, which is the number of teachers per one thousand students 16627
at a student-teacher ratio of twenty-three to one, and divide that 16628
product by one thousand; 16629

(b) Subtract the quotient obtained in division (E)(3)(a) of 16630
this section from the product in division (E)(2) of this section. 16631

(4) Multiply the greater of the difference obtained under 16632
division (E)(3) of this section or zero by the statewide average 16633
teachers salary. 16634

(F) This division applies only to school districts whose DPIA 16635
index is one or greater. 16636

(1) Each school district subject to this division shall first 16637
utilize funds received under this section so that, when combined 16638
with other funds of the district, sufficient funds exist to 16639
provide all-day kindergarten to at least the number of children in 16640
the district's all-day kindergarten percentage. 16641

(2) Up to an amount equal to the district's DPIA index 16642
multiplied by its DPIA student count multiplied by two hundred 16643
thirty dollars of the money distributed under this section may be 16644
utilized for one or both of the following: 16645

(a) Programs designed to ensure that schools are free of 16646
drugs and violence and have a disciplined environment conducive to 16647
learning; 16648

(b) Remediation for students who have failed or are in danger 16649
of failing any of the tests administered pursuant to section 16650
3301.0710 of the Revised Code. 16651

Beginning with the school year that starts on July 1, 2002, 16652
each school district shall use at least twenty per cent of the 16653
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 16654
this section to provide intervention services required by section 16655
3313.608 of the Revised Code. 16656

(3) Except as otherwise required by division (G) or permitted 16657
under division (K) of this section, all other funds distributed 16658
under this section to districts subject to this division shall be 16659
utilized for the purpose of the third grade guarantee. The third 16660
grade guarantee consists of increasing the amount of instructional 16661
attention received per pupil in kindergarten through third grade, 16662
either by reducing the ratio of students to instructional 16663
personnel or by increasing the amount of instruction and 16664
curriculum-related activities by extending the length of the 16665
school day or the school year. 16666

School districts may implement a reduction of the ratio of 16667
students to instructional personnel through any or all of the 16668
following methods: 16669

(a) Reducing the number of students in a classroom taught by 16670
a single teacher; 16671

(b) Employing full-time educational aides or educational 16672
paraprofessionals issued a permit or license under section 16673
3319.088 of the Revised Code; 16674

(c) Instituting a team-teaching method that will result in a 16675
lower student-teacher ratio in a classroom. 16676

Districts may extend the school day either by increasing the 16677
amount of time allocated for each class, increasing the number of 16678
classes provided per day, offering optional academic-related 16679
after-school programs, providing curriculum-related extra 16680
curricular activities, or establishing tutoring or remedial 16681
services for students who have demonstrated an educational need. 16682

In accordance with section 3319.089 of the Revised Code, a 16683
district extending the school day pursuant to this division may 16684
utilize a participant of the work experience program who has a 16685
child enrolled in a public school in that district and who is 16686
fulfilling the work requirements of that program by volunteering 16687
or working in that public school. If the work experience program 16688
participant is compensated, the school district may use the funds 16689
distributed under this section for all or part of the 16690
compensation. 16691

Districts may extend the school year either through adding 16692
regular days of instruction to the school calendar or by providing 16693
summer programs. 16694

(G) Each district subject to division (F) of this section 16695
shall not expend any funds received under division (E) of this 16696
section in any school buildings that are not buildings with the 16697
highest concentration of need, unless there is a ratio of 16698
instructional personnel to students of no more than fifteen to one 16699
in each kindergarten and first grade class in all buildings with 16700
the highest concentration of need. This division does not require 16701
that the funds used in buildings with the highest concentration of 16702
need be spent solely to reduce the ratio of instructional 16703
personnel to students in kindergarten and first grade. A school 16704
district may spend the funds in those buildings in any manner 16705
permitted by division (F)(3) of this section, but may not spend 16706
the money in other buildings unless the fifteen-to-one ratio 16707
required by this division is attained. 16708

(H)(1) By the first day of August of each fiscal year, each 16709
school district wishing to receive any funds under division (D) of 16710
this section shall submit to the department of education an 16711
estimate of its all-day kindergarten percentage. Each district 16712
shall update its estimate throughout the fiscal year in the form 16713
and manner required by the department, and the department shall 16714

adjust payments under this section to reflect the updates. 16715

(2) Annually by the end of December, the department of 16716
education, utilizing data from the information system established 16717
under section 3301.0714 of the Revised Code and after consultation 16718
with the legislative office of education oversight, shall 16719
determine for each school district subject to division (F) of this 16720
section whether in the preceding fiscal year the district's ratio 16721
of instructional personnel to students and its number of 16722
kindergarten students receiving all-day kindergarten appear 16723
reasonable, given the amounts of money the district received for 16724
that fiscal year pursuant to divisions (D) and (E) of this 16725
section. If the department is unable to verify from the data 16726
available that students are receiving reasonable amounts of 16727
instructional attention and all-day kindergarten, given the funds 16728
the district has received under this section and that class-size 16729
reduction funds are being used in school buildings with the 16730
highest concentration of need as required by division (G) of this 16731
section, the department shall conduct a more intensive 16732
investigation to ensure that funds have been expended as required 16733
by this section. The department shall file an annual report of its 16734
findings under this division with the chairpersons of the 16735
committees in each house of the general assembly dealing with 16736
finance and education. 16737

(I) Any school district with a DPIA index less than one and a 16738
three-year average formula ADM exceeding seventeen thousand five 16739
hundred shall first utilize funds received under this section so 16740
that, when combined with other funds of the district, sufficient 16741
funds exist to provide all-day kindergarten to at least the number 16742
of children in the district's all-day kindergarten percentage. 16743
Such a district shall expend at least seventy per cent of the 16744
remaining funds received under this section, and any other 16745
district with a DPIA index less than one shall expend at least 16746

seventy per cent of all funds received under this section, for any	16747
of the following purposes:	16748
(1) The purchase of technology for instructional purposes;	16749
(2) All-day kindergarten;	16750
(3) Reduction of class sizes;	16751
(4) Summer school remediation;	16752
(5) Dropout prevention programs;	16753
(6) Guaranteeing that all third graders are ready to progress	16754
to more advanced work;	16755
(7) Summer education and work programs;	16756
(8) Adolescent pregnancy programs;	16757
(9) Head start or preschool programs;	16758
(10) Reading improvement programs described by the department	16759
of education;	16760
(11) Programs designed to ensure that schools are free of	16761
drugs and violence and have a disciplined environment conducive to	16762
learning;	16763
(12) Furnishing, free of charge, materials used in courses of	16764
instruction, except for the necessary textbooks or electronic	16765
textbooks required to be furnished without charge pursuant to	16766
section 3329.06 of the Revised Code, to pupils living in families	16767
participating in Ohio works first in accordance with section	16768
3313.642 of the Revised Code;	16769
(13) School breakfasts provided pursuant to section 3313.813	16770
of the Revised Code.	16771
Each district shall submit to the department, in such format	16772
and at such time as the department shall specify, a report on the	16773
programs for which it expended funds under this division.	16774

(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. 3317.0213. No money shall be distributed under this section after fiscal year ~~2005~~ 2004.

(A) As used in this section:	16805
(1) "ADM" for any school district means:	16806
(a) In fiscal year 1999, the FY 1998 ADM;	16807
(b) In fiscal years 2000 through 2005 <u>2004</u> , the formula ADM reported for the previous fiscal year.	16808 16809
(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.	16810 16811 16812 16813
(3) "Valuation per pupil" for a district means:	16814
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	16815 16816
(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.	16817 16818 16819
(4) "Threshold valuation" means:	16820
(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;	16821 16822 16823 16824 16825
(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;	16826 16827 16828
(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;	16829 16830 16831
(d) In fiscal years 2002 through 2005 <u>2004</u> , the adjusted valuation per pupil of the district with the	16832 16833

one-hundred-eighteenth lowest such valuation in the state. 16834

(5) "Adjusted valuation per pupil" for a district means an 16835
amount calculated in accordance with the following formula: 16836

The district's valuation per pupil - 16837
(\$30,000 X (one minus the 16838
district's income factor)) 16839

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 16840
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 16841
years 2002 through ~~2005~~ 2004. 16842

(7) "Payment percentage" equals 100% prior to fiscal year 16843
2003, 75% in fiscal year 2003, and 50% in fiscal year 2004, ~~25% in~~ 16844
~~fiscal year 2005, and zero after fiscal year 2005.~~ 16845

(B) Beginning in fiscal year 1993, during August of each 16846
fiscal year, the department of education shall distribute to each 16847
school district meeting the requirements of section 3317.01 of the 16848
Revised Code whose adjusted valuation per pupil is less than the 16849
threshold valuation, an amount calculated in accordance with the 16850
following formula: 16851

(The threshold valuation - 16852
the district's adjusted valuation per pupil) X 16853
millage rate X ADM X the payment percentage 16854

Sec. 3317.0217. The department of education shall ~~annually~~ 16855
monthly compute and pay state parity aid to school districts, as 16856
follows: 16857

(A) Calculate the local wealth per pupil of each school 16858
district, which equals the following sum: 16859

(1) Two-thirds times the quotient of (a) the district's 16860
recognized valuation divided by (b) its ~~formula-ADM~~ average daily 16861
attendance; plus 16862

(2) One-third times the quotient of (a) the average of the 16863

total federal adjusted gross income of the school district's 16864
residents for the three years most recently reported under section 16865
3317.021 of the Revised Code divided by (b) its ~~formula~~ ADM 16866
average daily attendance. 16867

(B) Rank all school districts in order of local wealth per 16868
pupil, from the district with the lowest local wealth per pupil to 16869
the district with the highest local wealth per pupil. 16870

(C) Compute the per pupil state parity aid funding for each 16871
school district in accordance with the following formula: 16872

Payment percentage X (threshold local wealth 16873
per pupil - the district's local 16874
wealth per pupil) X 0.0095 16875

Where: 16876

(1) "Payment percentage," for purposes of division (C) of 16877
this section, equals 20% in fiscal year 2002, 40% in fiscal year 16878
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% 16879
after fiscal year 2005. 16880

(2) Nine and one-half mills (0.0095) is the general 16881
assembly's determination of the average number of effective 16882
operating mills that districts in the seventieth to ninetieth 16883
percentiles of valuations per pupil collected in fiscal year 2001 16884
above the revenues required to finance their attributed local 16885
shares of the calculated cost of an adequate education. This was 16886
determined by (a) adding the district revenues from operating 16887
property tax levies and income tax levies, (b) subtracting from 16888
that total the sum of (i) twenty-three mills times adjusted 16889
recognized valuation plus (ii) the attributed local shares of 16890
special education, transportation, and vocational education 16891
funding as described in divisions (F)(1) to (3) of section 16892
3317.022 of the Revised Code, and (c) converting the result to an 16893
effective operating property tax rate. 16894

(3) The "threshold local wealth per pupil" is the local 16895
wealth per pupil of the school district with the 16896
four-hundred-ninetieth lowest local wealth per pupil. 16897

If the result of the calculation for a school district under 16898
division (C) of this section is less than zero, the district's per 16899
pupil parity aid shall be zero. 16900

(D) Compute the per pupil alternative parity aid for each 16901
school district that has a combination of an income factor of 1.0 16902
or less, a DPIA index of 1.0 or greater, and a 16903
cost-of-doing-business factor of 1.0375 or greater, in accordance 16904
with the following formula: 16905

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 16906 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 16907 \end{aligned}$$

Where: 16908

(1) "DPIA index" has the same meaning as in section 3317.029 16909
of the Revised Code. 16910

(2) "Payment percentage," for purposes of division (D) of 16911
this section, equals 50% in fiscal year 2002 and 100% after fiscal 16912
year 2002. 16913

(E) Pay each district that has a combination of an income 16914
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 16915
cost-of-doing-business factor of 1.0375 or greater, the greater of 16916
the following: 16917

(1) The product of the district's per pupil parity aid 16918
calculated under division (C) of this section times its ~~formula~~ 16919
~~ADM~~ average daily attendance; 16920

(2) The product of its per pupil alternative parity aid 16921
calculated under division (D) of this section times its ~~formula~~ 16922
~~ADM~~ average daily attendance. 16923

(F) Pay every other district the product of its per pupil 16924

parity aid calculated under division (C) of this section times its formula ADM average daily attendance.

~~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~~ 16955
~~section 3313.64 or 3313.65 of the Revised Code;~~ 16956

~~(d)~~ Students for whom tuition is payable pursuant to sections 16957
3317.081 and 3323.141 of the Revised Code. 16958

(2) On an FTE basis, the number of students entitled to 16959
attend school in the district pursuant to section 3313.64 or 16960
3313.65 of the Revised Code, but receiving educational services in 16961
grades kindergarten through twelve from one or more of the 16962
following entities: 16963

(a) A community school pursuant to Chapter 3314. of the 16964
Revised Code, including any participation in a college pursuant to 16965
Chapter 3365. of the Revised Code while enrolled in such community 16966
school; 16967

(b) An alternative school pursuant to sections 3313.974 to 16968
3313.979 of the Revised Code as described in division (I)(2)(a) or 16969
(b) of this section; 16970

(c) A college pursuant to Chapter 3365. of the Revised Code, 16971
except when the student is enrolled in the college while also 16972
enrolled in a community school pursuant to Chapter 3314. of the 16973
Revised Code; 16974

(d) An adjacent or other school district under an open 16975
enrollment policy adopted pursuant to section 3313.98 of the 16976
Revised Code; 16977

(e) An educational service center or cooperative education 16978
district; 16979

~~(f) Another school district under a cooperative education~~ 16980
~~agreement, compact, or contract.~~ 16981

(3) One-fourth of the number of students enrolled in a joint 16982
vocational school district or under a vocational education 16983
compact, excluding any students entitled to attend school in the 16984

district under section 3313.64 or 3313.65 of the Revised Code who 16985
are enrolled in another school district through an open enrollment 16986
policy as reported under division (A)(2)(d) of this section and 16987
then enroll in a joint vocational school district or under a 16988
vocational education compact; 16989

(4) The number of handicapped children, other than 16990
handicapped preschool children, entitled to attend school in the 16991
district pursuant to section 3313.64 or 3313.65 of the Revised 16992
Code who are placed with a county MR/DD board, minus the number of 16993
such children placed with a county MR/DD board in fiscal year 16994
1998. If this calculation produces a negative number, the number 16995
reported under division (A)(4) of this section shall be zero. 16996

(B) To enable the department of education to obtain the data 16997
needed to complete the calculation of payments pursuant to this 16998
chapter, in addition to the formula ADM, each superintendent shall 16999
report separately the following student counts: 17000

(1) The total average daily membership in regular day classes 17001
included in the report under division (A)(1) or (2) of this 17002
section for kindergarten, and each of grades one through twelve in 17003
schools under the superintendent's supervision; 17004

(2) The number of all handicapped preschool children enrolled 17005
as of the first day of December in classes in the district that 17006
are eligible for approval ~~by the state board of education~~ under 17007
division (B) of section 3317.05 of the Revised Code and the number 17008
of those classes, which shall be reported not later than the 17009
fifteenth day of December, in accordance with rules adopted under 17010
that section; 17011

(3) The number of children entitled to attend school in the 17012
district pursuant to section 3313.64 or 3313.65 of the Revised 17013
Code who are participating in a pilot project scholarship program 17014
established under sections 3313.974 to 3313.979 of the Revised 17015

Code as described in division (I)(2)(a) or (b) of this section, 17016
are enrolled in a college under Chapter 3365. of the Revised Code, 17017
except when the student is enrolled in the college while also 17018
enrolled in a community school pursuant to Chapter 3314. of the 17019
Revised Code, are enrolled in an adjacent or other school district 17020
under section 3313.98 of the Revised Code, are enrolled in a 17021
community school established under Chapter 3314. of the Revised 17022
Code, including any participation in a college pursuant to Chapter 17023
3365. of the Revised Code while enrolled in such community school, 17024
or are participating in a program operated by a county MR/DD board 17025
or a state institution; 17026

(4) The number of pupils enrolled in joint vocational 17027
schools; 17028

(5) The average daily membership of handicapped children 17029
reported under division (A)(1) or (2) of this section receiving 17030
special education services for the category one handicap described 17031
in division (A) of section 3317.013 of the Revised Code; 17032

(6) The average daily membership of handicapped children 17033
reported under division (A)(1) or (2) of this section receiving 17034
special education services for category two handicaps described in 17035
division (B) of section 3317.013 of the Revised Code; 17036

(7) The average daily membership of handicapped children 17037
reported under division (A)(1) or (2) of this section receiving 17038
special education services for category three handicaps described 17039
in division (C) of section 3317.013 of the Revised Code; 17040

(8) The average daily membership of handicapped children 17041
reported under division (A)(1) or (2) of this section receiving 17042
special education services for category four handicaps described 17043
in division (D) of section 3317.013 of the Revised Code; 17044

(9) The average daily membership of handicapped children 17045
reported under division (A)(1) or (2) of this section receiving 17046

special education services for the category five handicap	17047
described in division (E) of section 3317.013 of the Revised Code;	17048
(10) The average daily membership of handicapped children	17049
reported under division (A)(1) or (2) of this section receiving	17050
special education services for category six handicaps described in	17051
division (F) of section 3317.013 of the Revised Code;	17052
(11) The average daily membership of pupils reported under	17053
division (A)(1) or (2) of this section enrolled in category one	17054
vocational education programs or classes, described in division	17055
(A) of section 3317.014 of the Revised Code, operated by the	17056
school district or by another district, other than a joint	17057
vocational school district, or by an educational service center;	17058
(12) The average daily membership of pupils reported under	17059
division (A)(1) or (2) of this section enrolled in category two	17060
vocational education programs or services, described in division	17061
(B) of section 3317.014 of the Revised Code, operated by the	17062
school district or another school district, other than a joint	17063
vocational school district, or by an educational service center;	17064
(13) The average number of children transported by the school	17065
district on board-owned or contractor-owned and -operated buses,	17066
reported in accordance with rules adopted by the department of	17067
education;	17068
(14)(a) The number of children, other than handicapped	17069
preschool children, the district placed with a county MR/DD board	17070
in fiscal year 1998;	17071
(b) The number of handicapped children, other than	17072
handicapped preschool children, placed with a county MR/DD board	17073
in the current fiscal year to receive special education services	17074
for the category one handicap described in division (A) of section	17075
3317.013 of the Revised Code;	17076
(c) The number of handicapped children, other than	17077

handicapped preschool children, placed with a county MR/DD board 17078
in the current fiscal year to receive special education services 17079
for category two handicaps described in division (B) of section 17080
3317.013 of the Revised Code; 17081

(d) The number of handicapped children, other than 17082
handicapped preschool children, placed with a county MR/DD board 17083
in the current fiscal year to receive special education services 17084
for category three handicaps described in division (C) of section 17085
3317.013 of the Revised Code; 17086

(e) The number of handicapped children, other than 17087
handicapped preschool children, placed with a county MR/DD board 17088
in the current fiscal year to receive special education services 17089
for category four handicaps described in division (D) of section 17090
3317.013 of the Revised Code; 17091

(f) The number of handicapped children, other than 17092
handicapped preschool children, placed with a county MR/DD board 17093
in the current fiscal year to receive special education services 17094
for the category five handicap described in division (E) of 17095
section 3317.013 of the Revised Code; 17096

(g) The number of handicapped children, other than 17097
handicapped preschool children, placed with a county MR/DD board 17098
in the current fiscal year to receive special education services 17099
for category six handicaps described in division (F) of section 17100
3317.013 of the Revised Code. 17101

(C)(1) Except as otherwise provided in this section for 17102
kindergarten students, the average daily membership in divisions 17103
(B)(1) to (12) of this section shall be based upon the number of 17104
full-time equivalent students. The state board of education shall 17105
adopt rules defining full-time equivalent students and for 17106
determining the average daily membership therefrom for the 17107
purposes of divisions (A), (B), and (D) of this section. 17108

(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.

(3) 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 (12), or division (D) of this section, except as follows:

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, 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, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 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, 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.

(4) 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 17140
school district. 17141

(D)(1) The superintendent of each joint vocational school 17142
district shall certify to the superintendent of public instruction 17143
on or before the fifteenth day of October in each year for the 17144
first full school week in October the formula ADM, which, except 17145
as otherwise provided in this division, shall consist of the 17146
average daily membership during such week, on an FTE basis, of the 17147
number of students receiving any educational services from the 17148
district, including students enrolled in a community school 17149
established under Chapter 3314. of the Revised Code who are 17150
attending the joint vocational district under an agreement between 17151
the district board of education and the governing authority of the 17152
community school and are entitled to attend school in a city, 17153
local, or exempted village school district whose territory is part 17154
of the territory of the joint vocational district. 17155

The following categories of students shall not be included in 17156
the determination made under division (D)(1) of this section: 17157

(a) Students enrolled in adult education classes; 17158

(b) Adjacent or other district joint vocational students 17159
enrolled in the district under an open enrollment policy pursuant 17160
to section 3313.98 of the Revised Code; 17161

(c) Students receiving services in the district pursuant to a 17162
compact, cooperative education agreement, or a contract, but who 17163
are entitled to attend school in a city, local, or exempted 17164
village school district whose territory is not part of the 17165
territory of the joint vocational district; 17166

(d) Students for whom tuition is payable pursuant to sections 17167
3317.081 and 3323.141 of the Revised Code. 17168

(2) To enable the department of education to obtain the data 17169
needed to complete the calculation of payments pursuant to this 17170

chapter, in addition to the formula ADM, each superintendent shall 17171
report separately the average daily membership included in the 17172
report under division (D)(1) of this section for each of the 17173
following categories of students: 17174

(a) Students enrolled in each grade included in the joint 17175
vocational district schools; 17176

(b) Handicapped children receiving special education services 17177
for the category one handicap described in division (A) of section 17178
3317.013 of the Revised Code; 17179

(c) Handicapped children receiving special education services 17180
for the category two handicaps described in division (B) of 17181
section 3317.013 of the Revised Code; 17182

(d) Handicapped children receiving special education services 17183
for category three handicaps described in division (C) of section 17184
3317.013 of the Revised Code; 17185

(e) Handicapped children receiving special education services 17186
for category four handicaps described in division (D) of section 17187
3317.013 of the Revised Code; 17188

(f) Handicapped children receiving special education services 17189
for the category five handicap described in division (E) of 17190
section 3317.013 of the Revised Code; 17191

(g) Handicapped children receiving special education services 17192
for category six handicaps described in division (F) of section 17193
3317.013 of the Revised Code; 17194

(h) Students receiving category one vocational education 17195
services, described in division (A) of section 3317.014 of the 17196
Revised Code; 17197

(i) Students receiving category two vocational education 17198
services, described in division (B) of section 3317.014 of the 17199
Revised Code. 17200

The superintendent of each joint vocational school district 17201
shall also indicate the city, local, or exempted village school 17202
district in which each joint vocational district pupil is entitled 17203
to attend school pursuant to section 3313.64 or 3313.65 of the 17204
Revised Code. 17205

(E) In each school of each city, local, exempted village, 17206
joint vocational, and cooperative education school district there 17207
shall be maintained a record of school membership, which record 17208
shall accurately show, for each day the school is in session, the 17209
actual membership enrolled in regular day classes. For the purpose 17210
of determining average daily membership, the membership figure of 17211
any school shall not include any pupils except those pupils 17212
described by division (A) of this section. The record of 17213
membership for each school shall be maintained in such manner that 17214
no pupil shall be counted as in membership prior to the actual 17215
date of entry in the school and also in such manner that where for 17216
any cause a pupil permanently withdraws from the school that pupil 17217
shall not be counted as in membership from and after the date of 17218
such withdrawal. There shall not be included in the membership of 17219
any school any of the following: 17220

(1) Any pupil who has graduated from the twelfth grade of a 17221
public high school; 17222

(2) Any pupil who is not a resident of the state; 17223

(3) Any pupil who was enrolled in the schools of the district 17224
during the previous school year when tests were administered under 17225
section 3301.0711 of the Revised Code but did not take one or more 17226
of the tests required by that section and was not excused pursuant 17227
to division (C)(1) of that section; 17228

(4) Any pupil who has attained the age of twenty-two years, 17229
except for veterans of the armed services whose attendance was 17230
interrupted before completing the recognized twelve-year course of 17231

the public schools by reason of induction or enlistment in the 17232
armed forces and who apply for reenrollment in the public school 17233
system of their residence not later than four years after 17234
termination of war or their honorable discharge. 17235

If, however, any veteran described by division (E)(4) of this 17236
section elects to enroll in special courses organized for veterans 17237
for whom tuition is paid under the provisions of federal laws, or 17238
otherwise, that veteran shall not be included in average daily 17239
membership. 17240

Notwithstanding division (E)(3) of this section, the 17241
membership of any school may include a pupil who did not take a 17242
test required by section 3301.0711 of the Revised Code if the 17243
superintendent of public instruction grants a waiver from the 17244
requirement to take the test to the specific pupil. The 17245
superintendent may grant such a waiver only for good cause in 17246
accordance with rules adopted by the state board of education. 17247

Except as provided in divisions (B)(2) and (F) of this 17248
section, the average daily membership figure of any local, city, 17249
exempted village, or joint vocational school district shall be 17250
determined by dividing the figure representing the sum of the 17251
number of pupils enrolled during each day the school of attendance 17252
is actually open for instruction during the first full school week 17253
in October by the total number of days the school was actually 17254
open for instruction during that week. For purposes of state 17255
funding, "enrolled" persons are only those pupils who are 17256
attending school, those who have attended school during the 17257
current school year and are absent for authorized reasons, and 17258
those handicapped children currently receiving home instruction. 17259

The average daily membership figure of any cooperative 17260
education school district shall be determined in accordance with 17261
rules adopted by the state board of education. 17262

(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 payments under~~ section 3317.022 or 3317.16 of the Revised Code that are based on formula ADM and not on average daily attendance. 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~~ department 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~~ department 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 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the first full school week of October for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the first full school week in October.

(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~~ department 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 under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(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 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.

(b) If the ~~state board~~ department 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) of this section, the ~~board~~ department 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 3317.052 and 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 17358
unit approved for the district under section 3317.05 of the 17359
Revised Code. The reporting official shall report separately the 17360
average daily membership of all pupils whose attendance in the 17361
district is unauthorized attendance, and the membership of each 17362
such pupil shall be credited to the school district in which the 17363
pupil is entitled to attend school under division (B) of section 17364
3313.64 or section 3313.65 of the Revised Code as determined by 17365
the department of education. 17366

(I)(1) A city, local, exempted village, or joint vocational 17367
school district admitting a scholarship student of a pilot project 17368
district pursuant to division (C) of section 3313.976 of the 17369
Revised Code may count such student in its average daily 17370
membership. 17371

(2) In any year for which funds are appropriated for pilot 17372
project scholarship programs, a school district implementing a 17373
state-sponsored pilot project scholarship program that year 17374
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 17375
count in average daily membership: 17376

(a) All children residing in the district and utilizing a 17377
scholarship to attend kindergarten in any alternative school, as 17378
defined in section 3313.974 of the Revised Code; 17379

(b) All children who were enrolled in the district in the 17380
preceding year who are utilizing a scholarship to attend any such 17381
alternative school. 17382

(J) The superintendent of each cooperative education school 17383
district shall certify to the superintendent of public 17384
instruction, in a manner prescribed by the state board of 17385
education, the applicable average daily memberships for all 17386
students in the cooperative education district, also indicating 17387
the city, local, or exempted village district where each pupil is 17388

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.032. (A) Each city, local, exempted village, and cooperative education school district, each educational service center, each county MR/DD board, and each institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of both of the following:

(1) All handicapped preschool children in units approved under division (B) of section 3317.05 of the Revised Code;

(2) All handicapped preschool children who are not in units approved ~~by the state board~~ under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program.

(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all handicapped preschool children whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under division (B) of section 3317.11 of the Revised Code.

Sec. 3317.034. 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, exempted village, local, and joint vocational school district shall, for the schools under the superintendent's supervision, certify to the state board of

<u>education on or before the fifteenth day of each month from</u>	17419
<u>October through June, the average daily attendance for the</u>	17420
<u>previous month, which shall consist of the average daily</u>	17421
<u>attendance during that month of the sum of the following:</u>	17422
<u>(1) On an FTE basis, the number of students in attendance in</u>	17423
<u>each of grades kindergarten through twelve, except that the</u>	17424
<u>following categories of students shall not be included in the</u>	17425
<u>determination:</u>	17426
<u>(a) Adjacent or other district students enrolled in the</u>	17427
<u>district under an open enrollment policy pursuant to section</u>	17428
<u>3313.98 of the Revised Code;</u>	17429
<u>(b) Students for whom tuition is payable pursuant to sections</u>	17430
<u>3317.081 and 3323.141 of the Revised Code.</u>	17431
<u>(2) On an FTE basis, the number of students entitled to</u>	17432
<u>attend school in the district pursuant to section 3313.64 or</u>	17433
<u>3313.65 of the Revised Code, but receiving educational services in</u>	17434
<u>grades kindergarten through twelve from one or more of the</u>	17435
<u>following entities:</u>	17436
<u>(a) A community school pursuant to Chapter 3314. of the</u>	17437
<u>Revised Code;</u>	17438
<u>(b) An alternative school pursuant to sections 3313.974 to</u>	17439
<u>3313.979 of the Revised Code as described in division (H)(2)(a) or</u>	17440
<u>(b) of this section;</u>	17441
<u>(c) A college pursuant to Chapter 3365. of the Revised Code;</u>	17442
<u>(d) An adjacent or other school district under an open</u>	17443
<u>enrollment policy adopted pursuant to section 3313.98 of the</u>	17444
<u>Revised Code;</u>	17445
<u>(e) An educational service center or cooperative education</u>	17446
<u>district.</u>	17447
<u>(3) The number of handicapped children, other than</u>	17448

handicapped preschool children, entitled to attend school in the 17449
district pursuant to section 3313.64 or 3313.65 of the Revised 17450
Code who are placed with a county MR/DD board, minus the number of 17451
such children placed with a county MR/DD board in fiscal year 17452
1998. If this calculation produces a negative number, the number 17453
reported under division (A)(3) of this section shall be zero. 17454

(B) A student enrolled in a community school established 17455
under Chapter 3314. of the Revised Code shall be counted in the 17456
average daily attendance of the school district in which the 17457
student is entitled to attend school under section 3313.64 or 17458
3313.65 of the Revised Code for the same proportion of each month 17459
that the student is counted in the enrollment of the community 17460
school for purposes of section 3314.08 of the Revised Code. 17461

(C) No child shall be counted as more than a total of one 17462
child in the average daily attendance of a school district. 17463

(1) A child with a handicap described in section 3317.013 of 17464
the Revised Code may be counted both in average daily attendance 17465
and in category one, two, three, four, five, or six special 17466
education ADM and, if applicable, in category one or two 17467
vocational education ADM. As provided in division (C) of section 17468
3317.02 of the Revised Code, such a child shall be counted in 17469
category one, two, three, four, five, or six special education ADM 17470
in the same proportion that the child is counted in average daily 17471
attendance. 17472

(2) A child enrolled in vocational education programs or 17473
classes described in section 3317.014 of the Revised Code may be 17474
counted both in average daily attendance and category one or two 17475
vocational education ADM and, if applicable, in category one, two, 17476
three, four, five, or six special education ADM. 17477

(D) The average daily attendance figure of any city, local, 17478
exempted village, or joint vocational school district shall not 17479

include any pupils except those pupils described by division (A) 17480
of this section. There shall not be included in the attendance of 17481
any school district any of the following: 17482

(1) Any pupil who has graduated from high school; 17483

(2) Any pupil who is not a resident of the state; 17484

(3) Any pupil who was enrolled in the schools of the district 17485
during the previous school year when tests were administered under 17486
section 3301.0711 of the Revised Code but did not take one or more 17487
of the tests required by that section and was not excused pursuant 17488
to division (C)(1) of that section, unless the superintendent of 17489
public instruction grants a waiver from the requirement to take 17490
the test to the specific pupil. The superintendent may grant such 17491
a waiver only for good cause in accordance with rules adopted by 17492
the state board of education. 17493

(4) Any pupil who has attained the age of twenty-two years, 17494
except for veterans of the armed services whose attendance was 17495
interrupted before completing the recognized twelve-year course of 17496
the public schools by reason of induction or enlistment in the 17497
armed forces and who apply for re-enrollment in the public school 17498
system of their residence not later than four years after 17499
termination of war or their honorable discharge. If, however, any 17500
veteran described by division (D)(4) of this section elects to 17501
enroll in special courses organized for veterans for whom tuition 17502
is paid under the provisions of federal laws, or otherwise, that 17503
veteran shall not be included in average daily attendance. 17504

(E) The average daily attendance of each city, exempted 17505
village, local, and joint vocational school district shall be 17506
determined by dividing the sum of the number of pupils on an FTE 17507
basis attending any part of a day the school of attendance is 17508
actually open for instruction during the prior month by the total 17509
number of days the school was actually open for instruction for 17510

any part of a day during that month. For this purpose, "attending" 17511
persons are only those pupils who are attending school, attending 17512
a school-sponsored field trip, serving an in-school suspension, or 17513
receiving educational services from the school district while 17514
expelled or serving an out-of-school suspension, and those 17515
handicapped children receiving home instruction. "Attending" 17516
persons do not include students absent with or without excuse. 17517

(F) The superintendent of each county MR/DD board that 17518
maintains special education classes under section 3317.20 of the 17519
Revised Code shall certify to the state board, in the manner 17520
prescribed by the state board, the average daily attendance in 17521
classes under section 3317.20 of the Revised Code for each school 17522
district that has placed children in the classes. 17523

(G) Except as provided in division (I) of this section, when 17524
any city, local, or exempted village school district provides 17525
instruction for a nonresident pupil whose attendance is 17526
unauthorized attendance as defined in section 3327.06 of the 17527
Revised Code, that pupil's attendance shall not be included in 17528
that district's average daily attendance. The reporting official 17529
shall report separately the average daily attendance of all pupils 17530
whose attendance in the district is unauthorized attendance, and 17531
the attendance of each such pupil shall be credited to the school 17532
district in which the pupil is entitled to attend school under 17533
division (B) of section 3313.64 or section 3313.65 of the Revised 17534
Code as determined by the department of education. 17535

(H)(1) A city, local, exempted village, or joint vocational 17536
school district admitting a scholarship student of a pilot project 17537
district pursuant to division (C) of section 3313.976 of the 17538
Revised Code may count such student in its average daily 17539
attendance. 17540

(2) In any year for which funds are appropriated for pilot 17541
project scholarship programs, a school district implementing a 17542

state-sponsored pilot project scholarship program that year 17543
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 17544
count in average daily attendance: 17545

(a) All children residing in the district and utilizing a 17546
scholarship to attend kindergarten in any alternative school, as 17547
defined in section 3313.974 of the Revised Code; 17548

(b) All children who were enrolled in the district in the 17549
preceding year who are utilizing a scholarship to attend any such 17550
alternative school. 17551

(I) The superintendent of each cooperative education school 17552
district shall certify to the superintendent of public 17553
instruction, in a manner prescribed by the state board of 17554
education, the average daily attendance for all students in the 17555
cooperative education district, also indicating the city, local, 17556
or exempted village district where each pupil is entitled to 17557
attend school under section 3313.64 or 3313.65 of the Revised 17558
Code. 17559

Sec. 3317.04. The amount paid to school districts in each 17560
fiscal year under Chapter 3317. of the Revised Code shall not be 17561
less than the following: 17562

(A) In the case of a district created under section 3311.26 17563
or 3311.37 of the Revised Code, the amount paid shall not be less, 17564
in any of the three succeeding fiscal years following the 17565
creation, than the sum of the amounts allocated under Chapter 17566
3317. of the Revised Code to the districts separately in the year 17567
of the creation. 17568

(B) In the case of a school district which is transferred to 17569
another school district or districts, pursuant to section 3311.22, 17570
3311.231, or 3311.38 of the Revised Code, the amount paid to the 17571
district accepting the transferred territory shall not be less, in 17572

any of the three succeeding fiscal years following the transfer, 17573
than the sum of the amounts allocated under Chapter 3317. of the 17574
Revised Code to the districts separately in the year of the 17575
consummation of the transfer. 17576

~~(C) In the case of any school district, the amount paid under 17577
Chapter 3317. of the Revised Code to the district in the fiscal 17578
year of distribution shall not be less than that paid under such 17579
chapter in the preceding fiscal year, if in the calendar year 17580
ending the thirty first day of December preceding the fiscal year 17581
of distribution, the county auditor of the county to which the 17582
district has been assigned by the department of education for 17583
administrative purposes has completed reassessment of all real 17584
estate within his county, or the tax duplicate of that county was 17585
increased by the application of a uniform taxable value per cent 17586
of true value pursuant to a rule or order of the tax commissioner 17587
and the revised valuations were entered on the tax list and 17588
duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 17589
3311.37, and 3311.38 of the Revised Code, this minimum guarantee 17590
is applicable only during the fiscal year immediately following 17591
the reassessment or application. 17592~~

~~(D) In the case of any school district that has territory in 17593
three or more counties, each of which contains at least twenty per 17594
cent of the district's territory, the amount paid under Chapter 17595
3317. of the Revised Code to the district in the fiscal year of 17596
distribution shall not be less than that paid under such chapter 17597
in the preceding fiscal year, if in the calendar year ending the 17598
thirty-first day of December preceding the fiscal year of 17599
distribution, the county auditor of any such county completed 17600
reassessment of all real estate within ~~his~~ the county, or the tax 17601
duplicate of any such county was increased by the application of a 17602
uniform taxable value per cent of true value pursuant to a rule or 17603
order of the tax commissioner and the revised valuations were 17604~~

entered on the tax list and duplicate. Notwithstanding sections 17605
3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised 17606
Code, this minimum guarantee is applicable only during the fiscal 17607
year immediately following the reassessment or application. 17608

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 17609
and 3311.38 of the Revised Code, the minimum guarantees prescribed 17610
by divisions (A) and (B) of this section shall not affect the 17611
amount of aid received by a school district for more than three 17612
consecutive years. 17613

Sec. 3317.05. (A) For the purpose of calculating payments 17614
under sections 3317.052 and 3317.053 of the Revised Code, the 17615
~~state board~~ department of education shall determine for each 17616
institution, by the last day of January of each year and based on 17617
information certified under section 3317.03 of the Revised Code, 17618
the number of vocational education units or fractions of units 17619
approved by the ~~state board~~ department on the basis of standards 17620
and rules adopted by the state board of education. As used in this 17621
division, "institution" means an institution operated by a 17622
department specified in section 3323.091 of the Revised Code and 17623
that provides vocational education programs under the supervision 17624
of the division of vocational education of the department ~~of~~ 17625
~~education~~ that meet the standards and rules for these programs, 17626
including licensure of professional staff involved in the 17627
programs, as established by the state board ~~of education~~. 17628

(B) For the purpose of calculating payments under sections 17629
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 17630
~~state board~~ department shall determine, based on information 17631
certified under section 3317.03 of the Revised Code, the following 17632
by the last day of January of each year for each educational 17633
service center, for each school district, including each 17634
cooperative education school district, for each institution 17635

eligible for payment under section 3323.091 of the Revised Code, 17636
and for each county MR/DD board: the number of classes operated by 17637
the school district, service center, institution, or county MR/DD 17638
board for handicapped preschool children, or fraction thereof, 17639
including in the case of a district or service center that is a 17640
funding agent, classes taught by a licensed teacher employed by 17641
that district or service center under section 3313.841 of the 17642
Revised Code, approved annually by the ~~state board~~ department on 17643
the basis of standards and rules adopted by the state board. 17644

(C) For the purpose of calculating payments under sections 17645
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 17646
~~state board~~ department shall determine, based on information 17647
certified under section 3317.03 of the Revised Code, the following 17648
by the last day of January of each year for each school district, 17649
including each cooperative education school district, for each 17650
institution eligible for payment under section 3323.091 of the 17651
Revised Code, and for each county MR/DD board: the number of 17652
preschool handicapped related services units for child study, 17653
occupational, physical, or speech and hearing therapy, special 17654
education supervisors, and special education coordinators approved 17655
annually by the ~~state board~~ department on the basis of standards 17656
and rules adopted by the state board. 17657

(D) For the purpose of calculating payments under sections 17658
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 17659
department shall determine, based on information certified under 17660
section 3317.03 of the Revised Code, the following by the last day 17661
of January of each year for each institution eligible for payment 17662
under section 3323.091 of the Revised Code: 17663

(1) The number of classes operated by an institution for 17664
handicapped children other than handicapped preschool children, or 17665
fraction thereof, approved annually by the ~~state board~~ department 17666
on the basis of standards and rules adopted by the state board; 17667

(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~~ department 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 institutions eligible for payment under section 3323.091 of the Revised Code, the ~~state board~~ department 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~~ department shall approve only preschool units for children who are under age six but not less than age three on the ~~thirtieth~~ first day of ~~September~~ December 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~~ first day of ~~September~~ December, as reported under division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised

Code, if such children have been admitted to the unit pursuant to 17700
rules of the state board ~~of education~~. The number of units for 17701
county MR/DD boards and institutions eligible for payment under 17702
section 3323.091 of the Revised Code approved ~~by the state board~~ 17703
under this section shall not exceed the number that can be funded 17704
with appropriations made for such purposes by the general 17705
assembly. 17706

No unit shall be approved under divisions (B) to (D) of this 17707
section unless a plan has been submitted and approved under 17708
Chapter 3323. of the Revised Code. 17709

(F) The department shall approve units or fractions thereof 17710
for gifted children on the basis of standards and rules adopted by 17711
the state board. 17712

Sec. 3317.06. Moneys paid to school districts under division 17713
(L) of section 3317.024 of the Revised Code shall be used for the 17714
following independent and fully severable purposes: 17715

(A) To purchase such secular textbooks or electronic 17716
textbooks as have been approved by the superintendent of public 17717
instruction for use in public schools in the state and to loan 17718
such textbooks or electronic textbooks to pupils attending 17719
nonpublic schools within the district or to their parents and to 17720
hire clerical personnel to administer such lending program. Such 17721
loans shall be based upon individual requests submitted by such 17722
nonpublic school pupils or parents. Such requests shall be 17723
submitted to the school district in which the nonpublic school is 17724
located. Such individual requests for the loan of textbooks or 17725
electronic textbooks shall, for administrative convenience, be 17726
submitted by the nonpublic school pupil or the pupil's parent to 17727
the nonpublic school, which shall prepare and submit collective 17728
summaries of the individual requests to the school district. As 17729
used in this section: 17730

(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 17762
shall be provided in the public school, in nonpublic schools, in 17763
public centers, or in mobile units located on or off of the 17764
nonpublic premises. If such services are provided in the public 17765
school or in public centers, transportation to and from such 17766
facilities shall be provided by the school district in which the 17767
nonpublic school is located. 17768

(G) To provide remedial services to pupils attending 17769
nonpublic schools within the district. Such services shall be 17770
provided in the public school, in nonpublic schools, in public 17771
centers, or in mobile units located on or off of the nonpublic 17772
premises. If such services are provided in the public school or in 17773
public centers, transportation to and from such facilities shall 17774
be provided by the school district in which the nonpublic school 17775
is located. 17776

(H) To supply for use by pupils attending nonpublic schools 17777
within the district such standardized tests and scoring services 17778
as are in use in the public schools of the state; 17779

(I) To provide programs for children who attend nonpublic 17780
schools within the district and are handicapped children as 17781
defined in division (A) of section 3323.01 of the Revised Code or 17782
gifted children. Such programs shall be provided in the public 17783
school, in nonpublic schools, in public centers, or in mobile 17784
units located on or off of the nonpublic premises. If such 17785
programs are provided in the public school or in public centers, 17786
transportation to and from such facilities shall be provided by 17787
the school district in which the nonpublic school is located. 17788

(J) To hire clerical personnel to assist in the 17789
administration of programs pursuant to divisions (B), (C), (D), 17790
(E), (F), (G), and (I) of this section and to hire supervisory 17791
personnel to supervise the providing of services and textbooks 17792
pursuant to this section. 17793

(K) To purchase or lease any secular, neutral, and 17794
nonideological computer software (including site-licensing), 17795
prerecorded video laserdiscs, digital video on demand (DVD), 17796
compact discs, and video cassette cartridges, wide area 17797
connectivity and related technology as it relates to internet 17798
access, mathematics or science equipment and materials, 17799
instructional materials, and school library materials that are in 17800
general use in the public schools of the state and loan such items 17801
to pupils attending nonpublic schools within the district or to 17802
their parents, and to hire clerical personnel to administer the 17803
lending program. Only such items that are incapable of diversion 17804
to religious use and that are susceptible of loan to individual 17805
pupils and are furnished for the use of individual pupils shall be 17806
purchased and loaned under this division. As used in this section, 17807
"instructional materials" means prepared learning materials that 17808
are secular, neutral, and nonideological in character and are of 17809
benefit to the instruction of school children, and may include 17810
educational resources and services developed by the ~~Ohio school net~~ 17811
~~commission~~ department of education. 17812

(L) To purchase or lease instructional equipment, including 17813
computer hardware and related equipment in general use in the 17814
public schools of the state, for use by pupils attending nonpublic 17815
schools within the district and to loan such items to pupils 17816
attending nonpublic schools within the district or to their 17817
parents, and to hire clerical personnel to administer the lending 17818
program. 17819

(M) To purchase mobile units to be used for the provision of 17820
services pursuant to divisions (E), (F), (G), and (I) of this 17821
section and to pay for necessary repairs and operating costs 17822
associated with these units. 17823

Clerical and supervisory personnel hired pursuant to division 17824
(J) of this section shall perform their services in the public 17825

schools, in nonpublic schools, public centers, or mobile units 17826
where the services are provided to the nonpublic school pupil, 17827
except that such personnel may accompany pupils to and from the 17828
service sites when necessary to ensure the safety of the children 17829
receiving the services. 17830

All services provided pursuant to this section may be 17831
provided under contract with educational service centers, the 17832
department of health, city or general health districts, or private 17833
agencies whose personnel are properly licensed by an appropriate 17834
state board or agency. 17835

Transportation of pupils provided pursuant to divisions (E), 17836
(F), (G), and (I) of this section shall be provided by the school 17837
district from its general funds and not from moneys paid to it 17838
under division (L) of section 3317.024 of the Revised Code unless 17839
a special transportation request is submitted by the parent of the 17840
child receiving service pursuant to such divisions. If such an 17841
application is presented to the school district, it may pay for 17842
the transportation from moneys paid to it under division (L) of 17843
section 3317.024 of the Revised Code. 17844

No school district shall provide health or remedial services 17845
to nonpublic school pupils as authorized by this section unless 17846
such services are available to pupils attending the public schools 17847
within the district. 17848

Materials, equipment, computer hardware or software, 17849
textbooks, electronic textbooks, and health and remedial services 17850
provided for the benefit of nonpublic school pupils pursuant to 17851
this section and the admission of pupils to such nonpublic schools 17852
shall be provided without distinction as to race, creed, color, or 17853
national origin of such pupils or of their teachers. 17854

No school district shall provide services, materials, or 17855
equipment that contain religious content for use in religious 17856

courses, devotional exercises, religious training, or any other 17857
religious activity. 17858

As used in this section, "parent" includes a person standing 17859
in loco parentis to a child. 17860

Notwithstanding section 3317.01 of the Revised Code, payments 17861
shall be made under this section to any city, local, or exempted 17862
village school district within which is located one or more 17863
nonpublic elementary or high schools and any payments made to 17864
school districts under division (L) of section 3317.024 of the 17865
Revised Code for purposes of this section may be disbursed without 17866
submission to and approval of the controlling board. 17867

The allocation of payments for materials, equipment, 17868
textbooks, electronic textbooks, health services, and remedial 17869
services to city, local, and exempted village school districts 17870
shall be on the basis of the state board of education's estimated 17871
annual average daily membership in nonpublic elementary and high 17872
schools located in the district. 17873

Payments made to city, local, and exempted village school 17874
districts under this section shall be equal to specific 17875
appropriations made for the purpose. All interest earned by a 17876
school district on such payments shall be used by the district for 17877
the same purposes and in the same manner as the payments may be 17878
used. 17879

The department of education shall adopt guidelines and 17880
procedures under which such programs and services shall be 17881
provided, under which districts shall be reimbursed for 17882
administrative costs incurred in providing such programs and 17883
services, and under which any unexpended balance of the amounts 17884
appropriated by the general assembly to implement this section may 17885
be transferred to the auxiliary services personnel unemployment 17886
compensation fund established pursuant to section 4141.47 of the 17887

Revised Code. The department shall also adopt guidelines and 17888
procedures limiting the purchase and loan of the items described 17889
in division (K) of this section to items that are in general use 17890
in the public schools of the state, that are incapable of 17891
diversion to religious use, and that are susceptible to individual 17892
use rather than classroom use. Within thirty days after the end of 17893
each biennium, each board of education shall remit to the 17894
department all moneys paid to it under division (L) of section 17895
3317.024 of the Revised Code and any interest earned on those 17896
moneys that are not required to pay expenses incurred under this 17897
section during the biennium for which the money was appropriated 17898
and during which the interest was earned. If a board of education 17899
subsequently determines that the remittal of moneys leaves the 17900
board with insufficient money to pay all valid expenses incurred 17901
under this section during the biennium for which the remitted 17902
money was appropriated, the board may apply to the department of 17903
education for a refund of money, not to exceed the amount of the 17904
insufficiency. If the department determines the expenses were 17905
lawfully incurred and would have been lawful expenditures of the 17906
refunded money, it shall certify its determination and the amount 17907
of the refund to be made to the director of job and family 17908
services who shall make a refund as provided in section 4141.47 of 17909
the Revised Code. 17910

Sec. 3317.064. (A) There is hereby established in the state 17911
treasury the auxiliary services ~~mobile unit replacement and repair~~ 17912
reimbursement fund. By the thirtieth day of January of each 17913
odd-numbered year, the director of job and family services and the 17914
superintendent of public instruction shall determine the amount of 17915
any excess moneys in the auxiliary services personnel unemployment 17916
compensation fund not reasonably necessary for the purposes of 17917
section 4141.47 of the Revised Code, and shall certify such amount 17918
to the director of budget and management for transfer to the 17919

auxiliary services ~~mobile unit replacement and repair~~ 17920
reimbursement fund. If the director of job and family services and 17921
the superintendent disagree on such amount, the director of budget 17922
and management shall determine the amount to be transferred. 17923

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 17924
~~and repair~~ reimbursement fund shall be used for the relocation or 17925
for the replacement and repair of mobile units used to provide the 17926
services specified in division (E), (F), (G), or (I) of section 17927
3317.06 of the Revised Code. The state board of education shall 17928
adopt guidelines and procedures for replacement, repair, and 17929
relocation of mobile units and the procedures under which a school 17930
district may apply to receive moneys with which to repair or 17931
replace or relocate such units. 17932

(C) School districts may apply to the department for moneys 17933
from the auxiliary services ~~mobile unit replacement and repair~~ 17934
reimbursement fund for payment of incentives for early retirement 17935
and severance for school district personnel assigned to provide 17936
services authorized by section 3317.06 of the Revised Code at 17937
chartered nonpublic schools. The portion of the cost of any early 17938
retirement or severance incentive for any employee that is paid 17939
using money from the auxiliary services ~~mobile unit replacement~~ 17940
~~and repair~~ reimbursement fund shall not exceed the percentage of 17941
such employee's total service credit that the employee spent 17942
providing services to chartered nonpublic school students under 17943
section 3317.06 of the Revised Code. 17944

Sec. 3317.07. The state board of education shall establish 17945
rules for the purpose of distributing subsidies for the purchase 17946
of school buses under division (E) of section 3317.024 of the 17947
Revised Code. 17948

No school bus subsidy payments shall be paid to any district 17949
unless such district can demonstrate that pupils residing more 17950

than one mile from the school could not be transported without 17951
such additional aid. 17952

The amount paid to a county MR/DD board for buses purchased 17953
for transportation of children in special education programs 17954
operated by the board shall be one hundred per cent of the board's 17955
net cost. 17956

The amount paid to a school district for buses purchased for 17957
transportation of handicapped and nonpublic school pupils shall be 17958
one hundred per cent of the school district's net cost. 17959

The state board of education shall adopt a formula to 17960
determine the amount of payments that shall be distributed to 17961
school districts to purchase school buses for pupils other than 17962
handicapped or nonpublic school pupils. 17963

If any district or MR/DD board obtains bus services for pupil 17964
transportation pursuant to a contract, such district or board may 17965
use payments received under this section to defray the costs of 17966
contracting for bus services in lieu of for purchasing buses. 17967

If the department of education determines that a county MR/DD 17968
board no longer needs a school bus because the board no longer 17969
transports children to a special education program operated by the 17970
board, or if the department determines that a school district no 17971
longer needs a school bus to transport pupils to a particular 17972
nonpublic school or special education program, the department may 17973
reassign a bus that was funded with payments provided pursuant to 17974
this section for the purpose of transporting such pupils. The 17975
department may reassign a bus to a county MR/DD board or school 17976
district that transports children to a special education program 17977
designated in the children's individualized education plans, or to 17978
a school district that transports pupils to a nonpublic school, 17979
and needs an additional school bus. 17980

Sec. 3317.081. (A) Tuition shall be computed in accordance 17981
with this section if: 17982

(1) The tuition is required by division (C)(3)(b) of section 17983
3313.64 of the Revised Code; or 17984

(2) Neither the child nor the child's parent resides in this 17985
state and tuition is required by section 3327.06 of the Revised 17986
Code. 17987

(B) Tuition computed in accordance with this section shall 17988
equal the attendance district's tuition rate computed under 17989
section 3317.08 of the Revised Code plus the amount that district 17990
would have received for the child pursuant to sections 3317.022, 17991
3317.023, and 3317.025 to 3317.0213 of the Revised Code during the 17992
school year had the attendance district been authorized to count 17993
the child in its formula ADM and average daily attendance for that 17994
school year under ~~section~~ sections 3317.03 and 3317.034 of the 17995
Revised Code. 17996

Sec. 3317.09. All moneys distributed to a school district, 17997
including any cooperative education or joint vocational school 17998
district and all moneys distributed to any educational service 17999
center, by the state whether from a state or federal source, shall 18000
be accounted for by the division of school finance of the 18001
department of education. All moneys distributed shall be coded as 18002
to county, school district or educational service center, source, 18003
and other pertinent information, and at the end of each month, a 18004
report of such distribution shall be made by such division of 18005
school finance to the clerk of the senate and the chief 18006
administrative officer of the house of representatives, to the 18007
Ohio legislative service commission to be available for 18008
examination by any member of either house, to each school district 18009
and educational service center, and to the governor. 18010

On or before the first day of September in each year, a copy 18011
of the annual statistical report required in ~~sections~~ section 18012
3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 18013
state board of education with the clerk of the senate and the 18014
chief administrative officer of the house of representatives, the 18015
Ohio legislative service commission, the governor, and the auditor 18016
of state. The report shall contain an analysis for the prior 18017
fiscal year on an accrual basis of revenue receipts from all 18018
sources and expenditures for all purposes for each school district 18019
~~and each educational service center~~, including each joint 18020
vocational and cooperative education school district, in the 18021
state. If any board of education ~~or any educational service center~~ 18022
~~governing board~~ fails to make the report required in ~~sections~~ 18023
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 18024
superintendent of public instruction shall be without authority to 18025
distribute funds to that school district or educational service 18026
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 18027
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 18028
as the required reports are filed with all specified officers, 18029
boards, or agencies. 18030

Sec. 3317.10. (A) On or before the first day of March of each 18031
year, the department of job and family services shall certify to 18032
the state board of education the unduplicated number of children 18033
ages five through seventeen residing in each school district and 18034
living in a family that, during the preceding October, had family 18035
income not exceeding the federal poverty guidelines as defined in 18036
section 5101.46 of the Revised Code and participated in one of the 18037
following: 18038

- (1) Ohio works first; 18039
- (2) The food stamp program; 18040
- (3) The medical assistance program, including the healthy 18041

start program, established under Chapter 5111. of the Revised Code; 18042
18043

(4) The children's health insurance program part I established under section 5101.50 of the Revised Code; 18044
18045

(5) The disability financial assistance program established under Chapter 5115. of the Revised Code; 18046
18047

(6) The disability medical assistance program established under Chapter 5115. of the Revised Code. 18048
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The department of job and family services shall certify this information according to the school district of residence for each child. Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code. 18050
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(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number of children certified under division (A) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of such children who reside in the district. 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. 18057
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<u>Sec. 3317.11. (A) As used in this section:</u>	18073
<u>(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center.</u>	18074 18075 18076 18077
<u>(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts.</u>	18078 18079 18080 18081
<u>(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.</u>	18082 18083
<u>(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division (B)(2) of this section, the supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers required to be employed in the districts, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated.</u>	18084 18085 18086 18087 18088 18089 18090 18091 18092 18093 18094 18095
<u>The supervisory services shall be financed annually through supervisory units. Except as provided in division (B)(2) of this section, the number of supervisory units assigned to each district shall not exceed one unit for the first fifty classroom teachers required to be employed in the district, as calculated under section 3317.023 of the Revised Code, and one for each additional one hundred required classroom teachers, as so calculated. The</u>	18096 18097 18098 18099 18100 18101 18102

cost of each supervisory unit shall be the sum of: 18103

(a) The minimum salary prescribed by section 3317.13 of the 18104
Revised Code for the licensed supervisory employee of the 18105
governing board; 18106

(b) An amount equal to fifteen per cent of the salary 18107
prescribed by section 3317.13 of the Revised Code; 18108

(c) An allowance for necessary travel expenses, limited to 18109
the lesser of two hundred twenty-three dollars and sixteen cents 18110
per month or two thousand six hundred seventy-eight dollars per 18111
year. 18112

(2) If a majority of the boards of education, or 18113
superintendents acting on behalf of the boards, of the local and 18114
client school districts receiving services from the educational 18115
service center agree to receive additional supervisory services 18116
and to pay the cost of a corresponding number of supervisory units 18117
in excess of the services and units specified in division (B)(1) 18118
of this section, the service center shall provide the additional 18119
services as agreed to by the majority of districts to, and the 18120
department of education shall apportion the cost of the 18121
corresponding number of additional supervisory units pursuant to 18122
division (B)(3) of this section among, all of the service center's 18123
local and client school districts. 18124

(3) The department shall apportion the total cost for all 18125
supervisory units among the service center's local and client 18126
school districts based on each district's total student count. The 18127
department shall deduct each district's apportioned share pursuant 18128
to division (E) of section 3317.023 of the Revised Code and pay 18129
the apportioned share to the service center. 18130

(C) The department annually shall deduct from each local and 18131
client school district of each educational service center, 18132
pursuant to division (E) of section 3317.023 of the Revised Code, 18133

and pay to the service center an amount equal to six dollars and 18134
fifty cents times the school district's total student count. The 18135
board of education, or the superintendent acting on behalf of the 18136
board, of any local or client school district may agree to pay an 18137
amount in excess of six dollars and fifty cents per student in 18138
total student count. If a majority of the boards of education, or 18139
superintendents acting on behalf of the boards, of the local 18140
school districts within a service center's territory approve an 18141
amount in excess of six dollars and fifty cents per student in 18142
total student count, the department shall deduct the approved 18143
excess per student amount from all of the local school districts 18144
within the service center's territory and pay the excess amount to 18145
the service center. 18146

(D) The department shall pay each educational service center 18147
the amounts due to it from school districts pursuant to contracts, 18148
compacts, or agreements under which the service center furnishes 18149
services to the districts or their students. In order to receive 18150
payment under this division, an educational service center shall 18151
furnish either a copy of the contract, compact, or agreement 18152
clearly indicating the amounts of the payments, or a written 18153
statement that clearly indicates the payments owed and is signed 18154
by the superintendent or treasurer of the responsible school 18155
district. The amounts paid to service centers under this division 18156
shall be deducted from payments to school districts pursuant to 18157
division (K)(3) of section 3317.023 of the Revised Code. 18158

(E) Each school district's deduction under this section and 18159
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 18160
shall be made from the total payment computed for the district 18161
under this chapter, after making any other adjustments in that 18162
payment required by law. 18163

(F)(1) Except as provided in division (F)(2) of this section, 18164
the department annually shall pay the governing board of each 18165

educational service center state funds equal to thirty-seven 18166
dollars times its service center ADM. 18167

(2) The department annually shall pay state funds equal to 18168
forty dollars and fifty-two cents times the service center ADM to 18169
each educational service center comprising territory that was 18170
included in the territory of at least three former service centers 18171
or county school districts, which former centers or districts 18172
engaged in one or more mergers under section 3311.053 of the 18173
Revised Code to form the present center. 18174

(G) Each city, exempted village, local, joint vocational, or 18175
cooperative education school district shall pay to the governing 18176
board of an educational service center any amounts agreed to for 18177
each child enrolled in the district who receives special education 18178
and related services or career-technical education from the 18179
educational service center, unless these educational services are 18180
provided pursuant to a contract, compact, or agreement for which 18181
the department deducts and transfers payments under division (D) 18182
of this section and division (K)(3) of section 3317.023 of the 18183
Revised Code. 18184

(H) An educational service center: 18185

(1) May provide special education and career-technical 18186
education to students in its local or client school districts; 18187

(2) Is eligible for transportation funding under division (J) 18188
of section 3317.024 of the Revised Code and for state subsidies 18189
for the purchase of school buses under section 3317.07 of the 18190
Revised Code; 18191

(3) May apply for and receive gifted education units and 18192
provide gifted education services to students in its local or 18193
client school districts; 18194

(4) May conduct driver education for high school students in 18195
accordance with Chapter 4508. of the Revised Code. 18196

Sec. 3317.16. (A) As used in this section:	18197
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	18198 18199
(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.	18200 18201 18202 18203
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	18204 18205 18206
cost-of-doing-business factor X	18207
the formula amount X	18208
the greater of formula ADM or	18209
three year average formula ADM	18210
<u>average daily attendance</u>	18211
The resultant number is the district's state share percentage.	18212 18213
(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.	18214 18215 18216 18217
(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.	18218 18219 18220 18221
(4) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts for the applicable fiscal year.	18222 18223 18224 18225
(5) <u>"Resident district" means the city, local, or exempted</u>	18226

village school district in which a student is entitled to attend 18227
school under section 3313.64 or 3313.65 of the Revised Code. 18228

(6) "Community school" means a community school established 18229
under Chapter 3314. of the Revised Code. 18230

(B) The department of education shall compute and distribute 18231
state base cost funding to each joint vocational school district 18232
for the fiscal year in accordance with the following formula: 18233

(cost-of-doing-business factor X 18234
formula amount X ~~the greater of formula~~ 18235
~~ADM or three year average formula ADM~~ 18236
average daily attendance) - 18237
(.0005 X total recognized valuation) 18238

If the difference obtained under this division is a negative 18239
number, the district's computation shall be zero. 18240

(C)(1) The department shall compute and distribute state 18241
vocational education additional weighted costs funds to each joint 18242
vocational school district in accordance with the following 18243
formula: 18244

state share percentage X formula amount X 18245
total vocational education weight 18246

(2) The department shall compute for each joint vocational 18247
school district state funds for vocational education associated 18248
services costs in accordance with the following formula: 18249

state share percentage X .05 X 18250
the formula amount X the sum of 18251
categories one and two vocational 18252
education ADM 18253

In any fiscal year, a joint vocational school district 18254
receiving funds under division (C)(2) of this section, or through 18255
a transfer of funds pursuant to division (L) of section 3317.023 18256
of the Revised Code, shall spend those funds only for the purposes 18257

that the department designates as approved for vocational 18258
education associated services expenses, which may include such 18259
purposes as apprenticeship coordinators, coordinators for other 18260
vocational education services, vocational evaluation, and other 18261
purposes designated by the department. The department may deny 18262
payment under division (C)(2) of this section to any district that 18263
the department determines is not operating those services or is 18264
using funds paid under division (C)(2) of this section, or through 18265
a transfer of funds pursuant to division (L) of section 3317.023 18266
of the Revised Code, for other purposes. 18267

(D)(1) The department shall compute and distribute state 18268
special education and related services additional weighted costs 18269
funds to each joint vocational school district in accordance with 18270
the following formula: 18271

state share percentage X formula amount X 18272
total special education weight 18273

(2)(a) As used in this division, the "personnel allowance" 18274
means thirty thousand dollars in fiscal years 2002 ~~and~~ 2003, 18275
2004, and 2005. 18276

(b) For the provision of speech services to students, 18277
including students who do not have individualized education 18278
programs prepared for them under Chapter 3323. of the Revised 18279
Code, and for no other purpose, the department shall pay each 18280
joint vocational school district an amount calculated under the 18281
following formula: 18282

(formula ADM divided by 2000) X the personnel 18283
allowance X state share percentage 18284

(3) In any fiscal year, a joint vocational school district 18285
shall spend for purposes that the department designates as 18286
approved for special education and related services expenses at 18287
least the amount calculated as follows: 18288

(cost-of-doing-business factor X formula amount 18289

X the sum of categories one through 18290
six special education ADM) + 18291
(total special education weight X 18292
formula amount) 18293

The purposes approved by the department for special education 18294
expenses shall include, but shall not be limited to, compliance 18295
with state rules governing the education of handicapped children, 18296
providing services identified in a student's individualized 18297
education program as defined in section 3323.01 of the Revised 18298
Code, and the portion of the district's overall administrative and 18299
overhead costs that are attributable to the district's special 18300
education student population. 18301

The department shall require joint vocational school 18302
districts to report data annually to allow for monitoring 18303
compliance with division (D)(3) of this section. The department 18304
shall annually report to the governor and the general assembly the 18305
amount of money spent by each joint vocational school district for 18306
special education and related services. 18307

(E)~~(2)~~(1) If a joint vocational school district's costs for a 18308
fiscal year for a student in its categories ~~one~~ two through six 18309
special education ADM exceed the threshold catastrophic cost for 18310
servicing the student, as specified in division (C)(3)(b) of section 18311
3317.022 of the Revised Code, the district may submit to the 18312
superintendent of public instruction documentation, as prescribed 18313
by the superintendent, of all of its costs for that student. Upon 18314
submission of documentation for a student of the type and in the 18315
manner prescribed, the department shall pay to the district an 18316
amount equal to the sum of the following: 18317

(a) One-half of the district's costs for the student in 18318
excess of the threshold catastrophic cost; 18319

(b) The product of one-half of the district's costs for the 18320

student in excess of the threshold catastrophic cost multiplied by 18321
the district's state share percentage. 18322

(2) The district shall only report under division (E)(1) of 18323
this section, and the department shall only pay for, the costs of 18324
educational expenses and the related services provided to the 18325
student in accordance with the student's individualized education 18326
program. Any legal fees, court costs, or other costs associated 18327
with any cause of action relating to the student may not be 18328
included in the amount. 18329

(F) Each fiscal year, the department shall pay each joint 18330
vocational school district an amount for adult technical and 18331
vocational education and specialized consultants. 18332

(G)(1) A joint vocational school district's local share of 18333
special education and related services additional weighted costs 18334
equals: 18335

(1 - state share percentage) X 18336
Total special education weight X 18337
the formula amount 18338

(2) For each handicapped student receiving special education 18339
and related services under an individualized education program, as 18340
defined in section 3323.01 of the Revised Code, at a joint 18341
vocational district, the resident district or, if the student is 18342
enrolled in a community school, the community school shall be 18343
responsible for the amount of any costs of providing those special 18344
education and related services to that student that exceed the sum 18345
of the amount calculated for those services attributable to that 18346
student under divisions (B), (D), (E), and (G)(1) of this section. 18347

Those excess costs shall be calculated by subtracting the sum 18348
of the following from the actual cost to provide special education 18349
and related services to the student: 18350

(a) The product of the formula amount times the 18351

<u>cost-of-doing-business factor;</u>	18352
<u>(b) The product of the formula amount times the applicable multiple specified in section 3317.013 of the Revised Code;</u>	18353
	18354
<u>(c) Any funds paid under division (E) of this section for the student;</u>	18355
	18356
<u>(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.</u>	18357
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	18360
<u>(3) The board of education of the joint vocational school district shall report the excess costs calculated under division (G)(2) of this section to the department of education.</u>	18361
	18362
	18363
<u>(4) The department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:</u>	18364
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<u>(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.</u>	18369
	18370
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	18372
<u>(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.</u>	18373
	18374
	18375
<u>(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</u>	18376
	18377
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3317.162 of the Revised Code in effect that year and minus the 18382
amounts received that year for driver education and adult 18383
education, the department shall pay the district an additional 18384
amount equal to the difference between those two amounts. 18385

Sec. 3317.50. The ~~Ohio SchoolNet~~ telecommunity education fund 18386
is hereby created in the state treasury. The fund shall consist of 18387
certain excess local exchange telephone company contributions 18388
transferred from the reserve fund of the Ohio telecommunications 18389
advisory board pursuant to an agreement between the public 18390
utilities commission of Ohio and the Ohio department of education. 18391
The fund shall be used to finance technology grants to 18392
state-chartered elementary and secondary schools. Investment 18393
earnings of the fund shall be credited to the fund. 18394

Sec. 3317.51. (A) The distance learning fund is hereby 18395
created in the state treasury. The fund shall consist of moneys 18396
paid to the ~~Ohio SchoolNet commission~~ department of education by 18397
any telephone company as a part of a settlement agreement between 18398
such company and the public utilities commission in fiscal year 18399
1995 in part to establish distance learning throughout the state. 18400
The ~~authority~~ department shall administer the fund and expend 18401
moneys from it to finance technology grants to eligible schools 18402
chartered by the state board of education to establish distance 18403
learning in those schools. Chartered schools are eligible for 18404
funds if they are within the service area of the telephone 18405
company. Investment earnings of the fund shall be credited to the 18406
fund. 18407

(B) For purposes of this section, "distance learning" means 18408
the creation of a learning environment involving a school setting 18409
and at least one other location outside of the school which allows 18410
for information available at one site to be accessed at the other 18411
through the use of such educational applications as one-way or 18412

two-way transmission of data, voice, and video, singularly or in 18413
appropriate combinations. 18414

Sec. 3318.34. The Ohio school facilities commission shall not 18415
release any state funds to a school district for a project under 18416
this chapter until the school district has complied with division 18417
(G) of section 3313.41 of the Revised Code. 18418

Sec. 3318.37. (A) As used in this section: 18419

(1) "Low wealth school district" means a school district in 18420
the first through fiftieth percentiles as determined under section 18421
3318.011 of the Revised Code. 18422

(2) A "school district with an exceptional need for immediate 18423
classroom facilities assistance" means a low wealth school 18424
district with an exceptional need for new facilities in order to 18425
protect the health and safety of all or a portion of its students. 18426
School districts reasonably expected to be eligible for state 18427
assistance under sections 3318.01 to 3318.20 of the Revised Code 18428
within three fiscal years after assistance under this section is 18429
being considered by the Ohio school facilities commission, and 18430
school districts that participate in the school building 18431
assistance expedited local partnership program under section 18432
3318.36 of the Revised Code shall not be eligible for assistance 18433
under this section. 18434

(B)(1) There is hereby established the exceptional needs 18435
school facilities assistance program. Under the program, the Ohio 18436
school facilities commission may set aside funds from the moneys 18437
annually appropriated to it for classroom facilities assistance 18438
projects ~~up to twenty five per cent~~ for assistance to school 18439
districts with exceptional needs for immediate classroom 18440
facilities assistance. 18441

(2)(a) After consulting with education and construction 18442

experts, the commission shall adopt guidelines for identifying 18443
school districts with an exceptional need for immediate classroom 18444
facilities assistance. 18445

(b) The guidelines shall include application forms and 18446
instructions for school districts that believe they have an 18447
exceptional need for immediate classroom facilities assistance. 18448

(3) The commission shall evaluate the classroom facilities, 18449
and the need for replacement classroom facilities from the 18450
applications received under this section. The commission, 18451
utilizing the guidelines adopted under division (B)(2)(a) of this 18452
section, shall prioritize the school districts to be assessed. 18453

Notwithstanding section 3318.02 of the Revised Code, the 18454
commission may conduct on-site evaluation of the school districts 18455
prioritized under this section and approve and award funds until 18456
such time as all funds set aside under division (B)(1) of this 18457
section have been encumbered under section 3318.04 of the Revised 18458
Code. 18459

(4) Notwithstanding division (A) of section 3318.05 of the 18460
Revised Code, the school district's portion of the basic project 18461
cost under this section shall be the "required percentage of the 18462
basic project costs," as defined in division (K) of section 18463
3318.01 of the Revised Code. 18464

(5) Except as otherwise specified in this section, any 18465
project undertaken with assistance under this section shall comply 18466
with all provisions of sections 3318.01 to 3318.20 of the Revised 18467
Code. A school district may receive assistance under sections 18468
3318.01 to 3318.20 of the Revised Code for the remainder of the 18469
district's classroom facilities needs as assessed under this 18470
section when the district is eligible for such assistance pursuant 18471
to section 3318.02 of the Revised Code, but any classroom facility 18472
constructed with assistance under this section shall not be 18473

included in a district's project at that time unless the 18474
commission determines the district has experienced the increased 18475
enrollment specified in division (B)(1) of section 3318.04 of the 18476
Revised Code. 18477

Sec. 3319.01. Except in an island school district, where the 18478
superintendent of an educational service center otherwise may 18479
serve as superintendent of the district and except as otherwise 18480
provided for any cooperative education school district pursuant to 18481
division (B)(2) of section 3311.52 or division (B)(3) of section 18482
3311.521 of the Revised Code, the board of education in each 18483
school district and the governing board of each service center 18484
shall, at a regular or special meeting held not later than the 18485
first day of May of the calendar year in which the term of the 18486
superintendent expires, appoint a person possessed of the 18487
qualifications provided in this section to act as superintendent, 18488
for a term not longer than five years beginning the first day of 18489
August and ending on the thirty-first day of July. Such 18490
superintendent is, at the expiration of a current term of 18491
employment, deemed reemployed for a term of one year at the same 18492
salary plus any increments that may be authorized by the board, 18493
unless such board, on or before the first day of March of the year 18494
in which the contract of employment expires, either reemploys the 18495
superintendent for a succeeding term as provided in this section 18496
or gives to the superintendent written notice of its intention not 18497
to reemploy the superintendent. A superintendent may not be 18498
transferred to any other position during the term of the 18499
superintendent's employment or reemployment except by mutual 18500
agreement by the superintendent and the board. If a vacancy occurs 18501
in the office of superintendent, the board shall appoint a 18502
superintendent for a term not to exceed five years from the next 18503
preceding first day of August. 18504

~~Except as otherwise provided in this section, the employment~~ 18505

~~or reemployment of a superintendent of a local school district 18506
shall be only upon the recommendation of the service center 18507
superintendent, except that a local board of education, by a 18508
three-fourths vote of its full membership, may, after considering 18509
two nominations for the position of local superintendent made by 18510
the service center superintendent, employ or reemploy a person not 18511
so nominated for such position. 18512~~

A board may at any regular or special meeting held during the 18513
period beginning on the first day of January of the calendar year 18514
immediately preceding the year the contract of employment of a 18515
superintendent expires and ending on the first day of March of the 18516
year it expires, reemploy such superintendent for a succeeding 18517
term for not longer than five years, beginning on the first day of 18518
August immediately following the expiration of the 18519
superintendent's current term of employment and ending on the 18520
thirty-first day of July of the year in which such succeeding term 18521
expires. No person shall be appointed to the office of 18522
superintendent of a city, or exempted village school district or a 18523
service center who does not hold a license designated for being a 18524
superintendent issued under section 3319.22 of the Revised Code, 18525
unless such person had been employed as a county, city, or 18526
exempted village superintendent prior to August 1, 1939. No person 18527
shall be appointed to the office of local superintendent who does 18528
not hold a license designated for being a superintendent issued 18529
under section 3319.22 of the Revised Code, unless such person held 18530
or was qualified to hold the position of executive head of a local 18531
school district on September 16, 1957. At the time of making such 18532
appointment or designation of term, such board shall fix the 18533
compensation of the superintendent, which may be increased or 18534
decreased during such term, provided such decrease is a part of a 18535
uniform plan affecting salaries of all employees of the district, 18536
and shall execute a written contract of employment with such 18537
superintendent. 18538

Each board shall adopt procedures for the evaluation of its superintendent and shall evaluate its superintendent in accordance with those procedures. An evaluation based upon such procedures shall be considered by the board in deciding whether to renew the superintendent's contract. The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in this section shall prevent a board from making the final determination regarding the renewal or failure to renew of a superintendent's contract.

Termination of a superintendent's contract shall be pursuant to section 3319.16 of the Revised Code.

A board may establish vacation leave for its superintendent. Upon the superintendent's separation from employment a board that has such leave may provide compensation at the superintendent's current rate of pay for all lawfully accrued and unused vacation leave to the superintendent's credit at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of a superintendent, such unused vacation leave as the board would have paid to this superintendent upon separation shall be paid in accordance with section 2113.04 of the Revised Code, or to the superintendent's estate.

The superintendent shall be the executive officer for the board. ~~Except as otherwise provided in this section for local school districts, the~~ The superintendent shall direct and assign teachers and other employees of the district or service center, except as provided in section 3319.04 of the Revised Code; assign the pupils to the proper schools and grades, provided that the assignment of a pupil to a school outside of the pupil's district of residence is approved by the board of the district of residence of such pupil; and perform such other duties as the board determines. ~~The service center superintendent shall exercise the~~

~~responsibilities of this section with regard to the assignment of 18571
pupils and teachers for local school districts under the 18572
supervision of the service center, except that the board of 18573
education of a local school district and the governing board of 18574
the educational service center of which the local district is a 18575
part may enter into an agreement requiring the local 18576
superintendent, instead of the superintendent of the educational 18577
service center, to exercise the responsibilities of this section 18578
with regard to the assignment of pupils and teachers for the local 18579
school district. 18580~~

The board of education of any school district may contract 18581
with the governing board of the educational service center from 18582
which it otherwise receives services to conduct searches and 18583
recruitment of candidates for the superintendent position 18584
authorized under this section. 18585

Sec. 3319.02. (A)(1) As used in this section, "other 18586
administrator" means ~~either~~ any of the following: 18587

(a) Except as provided in division (A)(2) of this section, 18588
any employee in a position for which a board of education requires 18589
a license designated by rule of the department of education for 18590
being an administrator issued under section 3319.22 of the Revised 18591
Code, including a professional pupil services employee or 18592
administrative specialist or an equivalent of either one who is 18593
not employed as a school counselor and spends less than fifty per 18594
cent of the time employed teaching or working with students; 18595

(b) Any nonlicensed employee whose job duties enable such 18596
employee to be considered as either a "supervisor" or a 18597
"management level employee," as defined in section 4117.01 of the 18598
Revised Code; 18599

(c) A business manager appointed under section 3319.03 of the 18600
Revised Code. 18601

(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal.

(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate.

(C) In educational service centers and in city ~~and~~, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a ~~city or exempted village~~ board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. ~~In local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent of the service center of which the local district is a part, except that a local board of education, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom such superintendent refuses to nominate.~~

The board of education or governing board shall execute a

written contract of employment with each assistant superintendent, 18634
principal, assistant principal, and other administrator it employs 18635
or reemploys. The term of such contract shall not exceed three 18636
years except that in the case of a person who has been employed as 18637
an assistant superintendent, principal, assistant principal, or 18638
other administrator in the district or center for three years or 18639
more, the term of the contract shall be for not more than five 18640
years and, unless the superintendent of the district recommends 18641
otherwise, not less than two years. If the superintendent so 18642
recommends, the term of the contract of a person who has been 18643
employed by the district or service center as an assistant 18644
superintendent, principal, assistant principal, or other 18645
administrator for three years or more may be one year, but all 18646
subsequent contracts granted such person shall be for a term of 18647
not less than two years and not more than five years. When a 18648
teacher with continuing service status becomes an assistant 18649
superintendent, principal, assistant principal, or other 18650
administrator with the district or service center with which the 18651
teacher holds continuing service status, the teacher retains such 18652
status in the teacher's nonadministrative position as provided in 18653
sections 3319.08 and 3319.09 of the Revised Code. 18654

A board of education or governing board may reemploy an 18655
assistant superintendent, principal, assistant principal, or other 18656
administrator at any regular or special meeting held during the 18657
period beginning on the first day of January of the calendar year 18658
immediately preceding the year of expiration of the employment 18659
contract and ending on the last day of March of the year the 18660
employment contract expires. 18661

Except by mutual agreement of the parties thereto, no 18662
assistant superintendent, principal, assistant principal, or other 18663
administrator shall be transferred during the life of a contract 18664
to a position of lesser responsibility. No contract may be 18665

terminated by a board except pursuant to section 3319.16 of the Revised Code. No contract may be suspended except pursuant to section 3319.17 or 3319.171 of the Revised Code. The salaries and compensation prescribed by such contracts shall not be reduced by a board unless such reduction is a part of a uniform plan affecting the entire district or center. The contract shall specify the employee's administrative position and duties as included in the job description adopted under division (D) of this section, the salary and other compensation to be paid for performance of duties, the number of days to be worked, the number of days of vacation leave, if any, and any paid holidays in the contractual year.

An assistant superintendent, principal, assistant principal, or other administrator is, at the expiration of the current term of employment, deemed reemployed at the same salary plus any increments that may be authorized by the board, unless such employee notifies the board in writing to the contrary on or before the first day of June, or unless such board, on or before the last day of March of the year in which the contract of employment expires, either reemploys such employee for a succeeding term or gives written notice of its intention not to reemploy the employee. The term of reemployment of a person reemployed under this paragraph shall be one year, except that if such person has been employed by the school district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the term of reemployment shall be two years.

(D)(1) Each board shall adopt procedures for the evaluation of all assistant superintendents, principals, assistant principals, and other administrators and shall evaluate such employees in accordance with those procedures. The evaluation based upon such procedures shall be considered by the board in

deciding whether to renew the contract of employment of an 18698
assistant superintendent, principal, assistant principal, or other 18699
administrator. 18700

(2) The evaluation shall measure each assistant 18701
superintendent's, principal's, assistant principal's, and other 18702
administrator's effectiveness in performing the duties included in 18703
the job description and the evaluation procedures shall provide 18704
for, but not be limited to, the following: 18705

(a) Each assistant superintendent, principal, assistant 18706
principal, and other administrator shall be evaluated annually 18707
through a written evaluation process. 18708

(b) The evaluation shall be conducted by the superintendent 18709
or designee. 18710

(c) In order to provide time to show progress in correcting 18711
the deficiencies identified in the evaluation process, the 18712
evaluation process shall be completed as follows: 18713

(i) In any school year that the employee's contract of 18714
employment is not due to expire, at least one evaluation shall be 18715
completed in that year. A written copy of the evaluation shall be 18716
provided to the employee no later than the end of the employee's 18717
contract year as defined by the employee's annual salary notice. 18718

(ii) In any school year that the employee's contract of 18719
employment is due to expire, at least a preliminary evaluation and 18720
at least a final evaluation shall be completed in that year. A 18721
written copy of the preliminary evaluation shall be provided to 18722
the employee at least sixty days prior to any action by the board 18723
on the employee's contract of employment. The final evaluation 18724
shall indicate the superintendent's intended recommendation to the 18725
board regarding a contract of employment for the employee. A 18726
written copy of the evaluation shall be provided to the employee 18727
at least five days prior to the board's acting to renew or not 18728

renew the contract. 18729

(3) Termination of an assistant superintendent, principal, 18730
assistant principal, or other administrator's contract shall be 18731
pursuant to section 3319.16 of the Revised Code. Suspension of any 18732
such employee shall be pursuant to section 3319.17 or 3319.171 of 18733
the Revised Code. 18734

(4) Before taking action to renew or nonrenew the contract of 18735
an assistant superintendent, principal, assistant principal, or 18736
other administrator under this section and prior to the last day 18737
of March of the year in which such employee's contract expires, 18738
the board shall notify each such employee of the date that the 18739
contract expires and that the employee may request a meeting with 18740
the board. Upon request by such an employee, the board shall grant 18741
the employee a meeting in executive session. In that meeting, the 18742
board shall discuss its reasons for considering renewal or 18743
nonrenewal of the contract. The employee shall be permitted to 18744
have a representative, chosen by the employee, present at the 18745
meeting. 18746

(5) The establishment of an evaluation procedure shall not 18747
create an expectancy of continued employment. Nothing in division 18748
(D) of this section shall prevent a board from making the final 18749
determination regarding the renewal or nonrenewal of the contract 18750
of any assistant superintendent, principal, assistant principal, 18751
or other administrator. However, if a board fails to provide 18752
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 18753
section, or if the board fails to provide at the request of the 18754
employee a meeting as prescribed in division (D)(4) of this 18755
section, the employee automatically shall be reemployed at the 18756
same salary plus any increments that may be authorized by the 18757
board for a period of one year, except that if the employee has 18758
been employed by the district or service center as an assistant 18759
superintendent, principal, assistant principal, or other 18760

administrator for three years or more, the period of reemployment 18761
shall be for two years. 18762

(E) On nomination of the superintendent of a service center a 18763
governing board may employ supervisors who shall be employed under 18764
written contracts of employment for terms not to exceed five years 18765
each. Such contracts may be terminated by a governing board 18766
pursuant to section 3319.16 of the Revised Code. Any supervisor 18767
employed pursuant to this division may terminate the contract of 18768
employment at the end of any school year after giving the board at 18769
least thirty days' written notice prior to such termination. On 18770
the recommendation of the superintendent the contract or contracts 18771
of any supervisor employed pursuant to this division may be 18772
suspended for the remainder of the term of any such contract 18773
pursuant to section 3319.17 or 3319.171 of the Revised Code. 18774

(F) A board may establish vacation leave for any individuals 18775
employed under this section. Upon such an individual's separation 18776
from employment, a board that has such leave may compensate such 18777
an individual at the individual's current rate of pay for all 18778
lawfully accrued and unused vacation leave credited at the time of 18779
separation, not to exceed the amount accrued within three years 18780
before the date of separation. In case of the death of an 18781
individual employed under this section, such unused vacation leave 18782
as the board would have paid to the individual upon separation 18783
under this section shall be paid in accordance with section 18784
2113.04 of the Revised Code, or to the estate. 18785

(G) The board of education of any school district may 18786
contract with the governing board of the educational service 18787
center from which it otherwise receives services to conduct 18788
searches and recruitment of candidates for assistant 18789
superintendent, principal, assistant principal, and other 18790
administrator positions authorized under this section. 18791

Sec. 3319.03. The board of education of each city, exempted village, and local school district may create the position of business manager. The board shall ~~elect~~ appoint such business manager who shall serve ~~for a term not to exceed four years unless earlier removed for cause pursuant to a contract in accordance with section 3319.02 of the Revised Code. A vacancy in this office shall be filled only for the unexpired term thereof.~~ In the discharge of all ~~his~~ official duties, the business manager may be directly responsible to the board, or to the superintendent of schools, as the board directs at the time of ~~election~~ appointment to the position. Where such business manager is responsible to the superintendent ~~he~~ the business manager shall be appointed by the superintendent and confirmed by the board.

No board of education shall ~~elect~~ appoint or confirm as business manager any person who does not hold a valid business manager's license issued under section 3301.074 of the Revised Code. If the business manager fails to maintain a valid license, ~~he~~ the business manager shall be removed by the board.

Sec. 3319.07. (A) The board of education of each city, exempted village, ~~and~~ local, and joint vocational school district shall employ the teachers of the public schools of their respective districts.

The governing board of each educational service center may employ special instruction teachers, special education teachers, and teachers of academic courses in which there are too few students in each of the constituent local school districts or in city or exempted village school districts entering into agreements pursuant to section 3313.843 of the Revised Code to warrant each district's employing teachers for those courses.

When any board makes appointments of teachers, the teachers

in the employ of the board shall be considered before new teachers 18822
are chosen in their stead. In ~~city, exempted village, and joint~~ 18823
~~vocational~~ all school districts and in service centers no teacher 18824
shall be employed unless such person is nominated by the 18825
superintendent of such district or center. Such board, by a 18826
three-fourths vote of its full membership, may re-employ any 18827
teacher whom the superintendent refuses to appoint. ~~In local~~ 18828
~~school districts, no teacher shall be employed, except as provided~~ 18829
~~in division (B) of this section, unless nominated by the~~ 18830
~~superintendent of the service center of which such local school~~ 18831
~~district is a part; by a majority vote of the full membership of~~ 18832
such board, the board of education of any local school district 18833
may, after considering two nominations for any position made by 18834
the service center superintendent, reemploy a person not so 18835
nominated for such position. 18836

(B) The board of education of a ~~local~~ any school district ~~and~~ 18837
~~the board of education of the county school district of which the~~ 18838
~~local district is a part may enter into an agreement authorizing~~ 18839
~~the superintendent of the local district, in lieu of the~~ 18840
~~superintendent of the county district, to make nominations under~~ 18841
~~this section for the employment of teachers in the local district.~~ 18842
While such an agreement is in effect the board of education of the 18843
local district shall not employ any teacher unless the person is 18844
nominated by the superintendent of the district except that, by a 18845
three-fourths vote of its full membership, it may re-employ any 18846
teacher whom the superintendent refuses to nominate may contract 18847
with the governing board of the educational service center from 18848
which it otherwise receives services to conduct searches and 18849
recruitment of candidates for teacher positions. 18850

Sec. 3319.19. (A) Except as provided in division (D) of this 18851
section or division (A)(2) of section 3313.37 of the Revised Code, 18852
upon request, the board of county commissioners shall provide and 18853

equip offices in the county for the use of the superintendent of 18854
an educational service center, and shall provide heat, light, 18855
water, and janitorial services for such offices. Such offices 18856
shall be the permanent headquarters of the superintendent and 18857
shall be used by the governing board of the service center when it 18858
is in session. Except as provided in division (B) of this section, 18859
such offices shall be located in the county seat or, upon the 18860
approval of the governing board, may be located outside of the 18861
county seat. 18862

(B) In the case of a service center formed under section 18863
3311.053 of the Revised Code, the governing board shall designate 18864
the site of its offices. Except as provided in division (D) of 18865
this section or division (A)(2) of section 3313.37 of the Revised 18866
Code, the board of county commissioners of the county in which the 18867
designated site is located shall provide and equip the offices as 18868
under division (A) of this section, but the costs of such offices 18869
and equipment shall be apportioned among the boards of county 18870
commissioners of all counties having any territory in the area 18871
under the control of the governing board, according to the 18872
proportion of local school district pupils under the supervision 18873
of such board residing in the respective counties. Where there is 18874
a dispute as to the amount any board of county commissioners is 18875
required to pay, the probate judge of the county in which the 18876
greatest number of pupils under the supervision of the governing 18877
board reside shall apportion such costs among the boards of county 18878
commissioners and notify each such board of its share of the 18879
costs. 18880

(C) ~~Not~~ As used in division (C) of this section, in the case 18881
of a building, facility, or office space that a board of county 18882
commissioners leases or rents, "actual cost per square foot" means 18883
all cost on a per square foot basis incurred by the board under 18884
the lease or rental agreement. In the case of a building, 18885

facility, or office space that the board owns in fee simple, 18886
"actual cost per square foot" means the fair rental value on a per 18887
square foot basis of the building, facility, or office space 18888
either as compared to a similarly situated building, facility, or 18889
office space in the general vicinity or as calculated under a 18890
formula that accounts for depreciation, amortization of 18891
improvements, and other reasonable factors, including, but not 18892
limited to, parking space and other amenities. 18893

Not later than the thirty-first day of March of 2002, 2003, 18894
2004, and 2005 a board of county commissioners required to provide 18895
or equip offices pursuant to division (A) or (B) of this section 18896
shall make a written estimate of the total cost it will incur for 18897
the ensuing fiscal year to provide and equip the offices and to 18898
provide heat, light, water, and janitorial services for such 18899
offices. The total estimate of cost shall include: 18900

(1) The total square feet of space to be utilized by the 18901
educational service center; 18902

(2) The total square feet of any common areas that should be 18903
reasonably allocated to the center and the methodology for making 18904
this allocation; 18905

(3) The actual cost per square foot for both the space 18906
utilized by and the common area allocated to the center; 18907

(4) An explanation of the methodology used to determine the 18908
actual cost per square foot ~~cost~~; 18909

(5) The estimated cost of providing heat, light, and water, 18910
including an explanation of how these costs were determined; 18911

(6) The estimated cost of providing janitorial services 18912
including an explanation of the methodology used to determine this 18913
cost; 18914

(7) Any other estimated costs that the board anticipates it 18915

will occur and a detailed explanation of the costs and the 18916
rationale used to determine such costs. 18917

A copy of the total estimate of costs under this division 18918
shall be sent to the superintendent of the educational service 18919
center not later than the fifth day of April. The superintendent 18920
shall review the total estimate and shall notify the board of 18921
county commissioners not later than twenty days after receipt of 18922
the estimate of either agreement with the estimate or any specific 18923
objections to the estimates and the reasons for the objections. If 18924
the superintendent agrees with the estimate, it shall become the 18925
final total estimate of cost. Failure of the superintendent to 18926
make objections to the estimate by the twentieth day after receipt 18927
of it shall be deemed to mean that the superintendent is in 18928
agreement with the estimate. 18929

If the superintendent provides specific objections to the 18930
board of county commissioners, the board shall review the 18931
objections and may modify the original estimate and shall send a 18932
revised total estimate to the superintendent within ten days after 18933
the receipt of the superintendent's objections. The superintendent 18934
shall respond to the revised estimate within ten days after its 18935
receipt. If the superintendent agrees with it, it shall become the 18936
final total estimated cost. If the superintendent fails to respond 18937
within the required time, the superintendent shall be deemed to 18938
have agreed with the revised estimate. If the superintendent 18939
disagrees with the revised estimate, the superintendent shall send 18940
specific objections to the county commissioners. 18941

If a superintendent has sent specific objections to the 18942
revised estimate within the required time, the probate judge of 18943
the county which has the greatest number of resident local school 18944
district pupils under the supervision of the educational service 18945
center shall determine the final estimated cost and certify this 18946
amount to the superintendent and the board of county commissioners 18947

prior to the first day of July. 18948

(D)(1) A board of county commissioners shall be responsible 18949
for the following percentages of the final total estimated cost 18950
established by division (C) of this section: 18951

(a) Eighty per cent for fiscal year 2003; 18952

(b) Sixty per cent for fiscal year 2004; 18953

(c) Forty per cent for fiscal year 2005; 18954

(d) Twenty per cent for fiscal year 2006. 18955

In fiscal years 2003, 2004, 2005, and 2006 the educational 18956
service center shall be responsible for the remainder of any costs 18957
in excess of the amounts specified in division (D)(1)(a), (b), ~~or~~ 18958
(c), or (d) of this section, as applicable, associated with the 18959
provision and equipment of offices for the educational service 18960
center and for provision of heat, light, water, and janitorial 18961
services for such offices, including any unanticipated or 18962
unexpected increases in the costs beyond the final estimated cost 18963
amount. 18964

Beginning in fiscal year 2007, no board of county 18965
commissioners shall have any obligation to provide and equip 18966
offices for an educational service center or to provide heat, 18967
light, water, or janitorial services for such offices. 18968

(2) Nothing in this section shall prohibit the board of 18969
county commissioners and the governing board of an educational 18970
service center from entering into a contract for providing and 18971
equipping offices for the use of an educational service center and 18972
for providing heat, light, water, and janitorial services for such 18973
offices. The term of any such contract shall not exceed a period 18974
of four years and may be renewed for additional periods not to 18975
exceed four years. Any such contract shall supersede the 18976
provisions of division (D)(1) of this section and no educational 18977

service center may be charged, at any time, any additional amount 18978
for the county's provision of an office and equipment, heat, 18979
light, water, and janitorial services beyond the amount specified 18980
in such contract. 18981

(3) No contract entered into under division (D)(2) of this 18982
section in any year prior to fiscal year 2007 between an 18983
educational service center formed under section 3311.053 of the 18984
Revised Code and the board of county commissioners required to 18985
provide and equip its office pursuant to division (B) of this 18986
section shall take effect unless the boards of county 18987
commissioners of all other counties required to participate in the 18988
funding for such offices pursuant to division (B) of this section 18989
adopt resolutions approving the contract. 18990

Sec. 3319.22. (A) The state board of education shall adopt 18991
rules establishing the standards and requirements for obtaining 18992
temporary, associate, provisional, and professional educator 18993
licenses of any categories, types, and levels the board elects to 18994
provide. However, no educator license shall be required for 18995
teaching children two years old or younger. 18996

(B) Any rules the state board of education adopts, amends, or 18997
rescinds for educator licenses under this section, division (D) of 18998
section 3301.07 of the Revised Code, or any other law shall be 18999
adopted, amended, or rescinded under Chapter 119. of the Revised 19000
Code except as follows: 19001

(1) Notwithstanding division (D) of section 119.03 and 19002
division (A)(1) of section 119.04 of the Revised Code, the 19003
effective date of any rules, or amendment or rescission of any 19004
rules, shall not be as prescribed in division (D) of section 19005
119.03 and division (A)(1) of section 119.04 of the Revised Code. 19006
Instead, the effective date shall be the date prescribed by 19007
section 3319.23 of the Revised Code. 19008

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (F) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(C)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (C)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator

license is designated. 19041

Each professional development committee shall consist of at 19042
least three classroom teachers employed by the district, one 19043
principal employed by the district, and one other employee of the 19044
district appointed by the district superintendent. For committees 19045
with a building-level scope, the teacher and principal members 19046
shall be assigned to that building, and the teacher members shall 19047
be elected by majority vote of the classroom teachers assigned to 19048
that building. For committees with a district-level scope, the 19049
teacher members shall be elected by majority vote of the classroom 19050
teachers of the district, and the principal member shall be 19051
elected by a majority vote of the principals of the district, 19052
unless there are two or fewer principals employed by the district, 19053
in which case the one or two principals employed shall serve on 19054
the committee. If a committee has a particular grade or age level 19055
scope, the teacher members shall be licensed to teach such grade 19056
or age levels, and shall be elected by majority vote of the 19057
classroom teachers holding such a license and the principal shall 19058
be elected by all principals serving in buildings where any such 19059
teachers serve. The district superintendent shall appoint a 19060
replacement to fill any vacancy that occurs on a professional 19061
development committee, except in the case of vacancies among the 19062
elected classroom teacher members, which shall be filled by vote 19063
of the remaining members of the committee so selected. 19064

Terms of office on professional development committees shall 19065
be prescribed by the district board establishing the committees. 19066
The conduct of elections for members of professional development 19067
committees shall be prescribed by the district board establishing 19068
the committees. A professional development committee may include 19069
additional members, except that the majority of members on each 19070
such committee shall be classroom teachers employed by the 19071
district. Any member appointed to fill a vacancy occurring prior 19072

to the expiration date of the term for which a predecessor was 19073
appointed shall hold office as a member for the remainder of that 19074
term. 19075

The initial meeting of any professional development 19076
committee, upon election and appointment of all committee members, 19077
shall be called by a member designated by the district 19078
superintendent. At this initial meeting, the committee shall 19079
select a chairperson and such other officers the committee deems 19080
necessary, and shall adopt rules for the conduct of its meetings. 19081
Thereafter, the committee shall meet at the call of the 19082
chairperson or upon the filing of a petition with the district 19083
superintendent signed by a majority of the committee members 19084
calling for the committee to meet. 19085

(3) In the case of a school district in which an exclusive 19086
representative has been established pursuant to Chapter 4117. of 19087
the Revised Code, professional development committees shall be 19088
established in accordance with any collective bargaining agreement 19089
in effect in the district that includes provisions for such 19090
committees. 19091

If the collective bargaining agreement does not specify a 19092
different method for the selection of teacher members of the 19093
committees, the exclusive representative of the district's 19094
teachers shall select the teacher members. 19095

If the collective bargaining agreement does not specify a 19096
different structure for the committees, the board of education of 19097
the school district shall establish the structure, including the 19098
number of committees and the number of teacher and administrative 19099
members on each committee; the specific administrative members to 19100
be part of each committee; whether the scope of the committees 19101
will be district levels, building levels, or by type of grade or 19102
age levels for which educator licenses are designated; the lengths 19103
of terms for members; the manner of filling vacancies on the 19104

committees; and the frequency and time and place of meetings. 19105
However, in all cases, except as provided in division (C)(4) of 19106
this section, there shall be a majority of teacher members of any 19107
professional development committee, there shall be at least five 19108
total members of any professional development committee, and the 19109
exclusive representative shall designate replacement members in 19110
the case of vacancies among teacher members, unless the collective 19111
bargaining agreement specifies a different method of selecting 19112
such replacements. 19113

(4) Whenever an administrator's coursework plan is being 19114
discussed or voted upon, the local professional development 19115
committee shall, at the request of one of its administrative 19116
members, cause a majority of the committee to consist of 19117
administrative members by reducing the number of teacher members 19118
voting on the plan. 19119

(D)(1) The department of education, educational service 19120
centers, county boards of mental retardation and developmental 19121
disabilities, ~~regional professional development centers~~, special 19122
education regional resource centers, college and university 19123
departments of education, head start programs, ~~the Ohio SchoolNet~~ 19124
~~commission~~, and the Ohio education computer network may establish 19125
local professional development committees to determine whether the 19126
coursework proposed by their employees who are licensed or 19127
certificated under this section or section 3319.222 of the Revised 19128
Code meet the requirements of the rules adopted under this 19129
section. They may establish local professional development 19130
committees on their own or in collaboration with a school district 19131
or other agency having authority to establish them. 19132

Local professional development committees established by 19133
county boards of mental retardation and developmental disabilities 19134
shall be structured in a manner comparable to the structures 19135
prescribed for school districts in divisions (C)(2) and (3) of 19136

this section, as shall the committees established by any other 19137
entity specified in division (D)(1) of this section that provides 19138
educational services by employing or contracting for services of 19139
classroom teachers licensed or certificated under this section or 19140
section 3319.222 of the Revised Code. All other entities specified 19141
in division (D)(1) of this section shall structure their 19142
committees in accordance with guidelines which shall be issued by 19143
the state board. 19144

(2) Any public agency that is not specified in division 19145
(D)(1) of this section but provides educational services and 19146
employs or contracts for services of classroom teachers licensed 19147
or certificated under this section or section 3319.222 of the 19148
Revised Code may establish a local professional development 19149
committee, subject to the approval of the department of education. 19150
The committee shall be structured in accordance with guidelines 19151
issued by the state board. 19152

Sec. 3319.227. Notwithstanding any provision to the contrary 19153
in this chapter or in any educator licensing rule adopted by the 19154
state board of education under authority granted under this 19155
chapter, any individual who holds an educator license issued under 19156
section 3319.22 of the Revised Code or a teacher's certificate 19157
issued under former section 3319.22 of the Revised Code that has 19158
continuing effect under section 3319.222 of the Revised Code may 19159
be employed to teach for up to two school years in a grade level 19160
or in a subject or teaching area for which the individual's 19161
license or certificate is not valid, as long as the individual 19162
agrees that during that time the individual will enroll in, 19163
attend, and complete coursework required by rule of the state 19164
board for licensure to teach in that grade level or in that 19165
subject or teaching area. The necessary coursework may be 19166
completed through classes developed and offered by regional 19167
professional development providers, such as special education 19168

regional resource centers, ~~regional professional development~~ 19169
~~centers~~, educational service centers, local education agencies, 19170
professional organizations, and institutions of higher education, 19171
provided the coursework is taken for credit in collaboration with 19172
a college or university that has a teacher education program 19173
approved by the state board. No person shall teach in a grade 19174
level or subject or teaching area under this section beyond two 19175
years until the person has completed all coursework and tests 19176
prescribed by the state board for licensure in that grade level or 19177
subject or teaching area. 19178

Sec. 3319.235. (A) The standards for the preparation of 19179
teachers adopted under section 3319.23 of the Revised Code shall 19180
require any institution that provides a course of study for the 19181
training of teachers to ensure that graduates of such course of 19182
study are skilled at integrating educational technology in the 19183
instruction of children, as evidenced by the graduate having 19184
either demonstrated proficiency in such skills in a manner 19185
prescribed by the department of education or completed a course 19186
that includes training in such skills. 19187

(B) ~~The Ohio SchoolNet commission, established pursuant to~~ 19188
~~section 3301.80 of the Revised Code,~~ department shall establish 19189
model professional development programs to assist teachers who 19190
completed their teacher preparation prior to the effective date of 19191
division (A) of this section to become skilled at integrating 19192
educational technology in the instruction of children. The 19193
~~commission~~ department shall provide technical assistance to school 19194
districts wishing to establish such programs. 19195

Sec. 3319.302. It is the intent of the general assembly that 19196
the state board of education shall administer this section without 19197
adopting any rules for its implementation. 19198

Unless the provisions of division (B) or (C) of section 19199
3319.31 of the Revised Code apply to an applicant, the state board 19200
of education shall issue a one-year conditional teaching permit 19201
for teaching in grades seven to twelve to any applicant who meets 19202
the following conditions: 19203

(A) Holds a bachelor's degree; 19204

(B) Has successfully completed a basic skills test as 19205
prescribed by the state board; 19206

(C) Has completed either as part of the applicant's degree 19207
program or separate from it the equivalent of at least fifteen 19208
semester hours of coursework in the teaching area or subject area 19209
in which licensure under this section is sought; 19210

(D) Has completed the equivalent of a total of six semester 19211
hours of additional coursework within the past five years with a 19212
grade point average of at least 2.5 out of 4.0, or its equivalent, 19213
in the areas of the teaching or subject area described in division 19214
(C) of this section, characteristics of student learning, 19215
diversity of learners, planning for instruction, instruction 19216
strategies, learning environments, communication, assessment, or 19217
student support and that coursework has been approved by the 19218
school district, community school, chartered nonpublic school, or 19219
nonprofit or for-profit entity operating an alternative school 19220
under section 3313.533 of the Revised Code that will employ the 19221
applicant. The coursework may have been completed through classes 19222
developed and offered by regional professional development 19223
providers, such as special education regional resource centers, 19224
~~regional professional development centers,~~ educational service 19225
centers, local educational agencies, professional organizations, 19226
and institutions of higher education, provided the coursework is 19227
taken for credit in collaboration with a college or university 19228
that has a teacher education program approved by the state board. 19229

(E) The applicant has entered into a written agreement with the school district; community school; chartered nonpublic school; or nonprofit or for profit entity operating an alternative school under section 3313.533 of the Revised Code that will employ the applicant and the department of education under which the district, school, or entity will provide for the applicant a structured mentoring program in the areas listed in division (D) of this section that is aligned with the performance expectations prescribed by state board rule for entry-year teachers.

(F) The applicant agrees to complete while employed under the one-year teaching permit the equivalent of an additional three semester hours of coursework in the teaching area or subject area in which the individual is teaching and for which the individual will seek an alternative educator license pursuant to division (G) of this section. The individual's mentor prescribed in division (E) of this section shall assist the individual in selecting coursework to satisfy the requirement prescribed in this division. The coursework may be completed through classes offered by regional professional development providers, such as special education regional resource centers, ~~regional professional development centers~~, educational service centers, local educational agencies, professional organizations, and institutions of higher education, if the coursework is taken for credit in collaboration with a college or university that has a teacher education program approved by the state board.

(G) The applicant agrees to seek at the conclusion of the year in which the individual is employed under the one-year teaching permit issued under this section an alternative educator license issued under section 3319.26 of the Revised Code in the teaching area or subject area in which the individual has been teaching and plans to continue to teach. The applicant shall not be reemployed by the school district; community school; chartered

nonpublic school; or nonprofit or for profit entity operating an 19262
alternative school under section 3313.533 of the Revised Code or 19263
be employed by another such district, school, or entity unless 19264
that alternative educator license is issued to the applicant prior 19265
to the beginning of the next school year. 19266

(H) The applicant pays the fee established under section 19267
3319.51 of the Revised Code. 19268

Sec. 3319.33. On or before the first day of August in each 19269
year, the board of education of each city ~~and~~ and exempted village, 19270
and local school district shall report to the state board of 19271
education, ~~and the board of each local school district shall~~ 19272
~~report to the superintendent of the educational service center,~~ 19273
the school statistics of its district. Such report shall be made 19274
on forms furnished by the state board of education and shall 19275
contain such information as the state board of education requires. 19276
The report shall also set forth with respect to each civil 19277
proceeding in which the board of education is a defendant and each 19278
civil proceeding in which the board of education is a party and is 19279
not a defendant and in which one of the other parties is a board 19280
of education in this state or an officer, board, or official of 19281
this state: 19282

(A) The nature of the proceeding; 19283

(B) The capacity in which the board is a party to the 19284
proceeding; 19285

(C) The total expenses incurred by the board with respect to 19286
the proceeding; 19287

(D) The total expenses incurred by the board with respect to 19288
the proceeding during the reporting period. 19289

Divisions (A) to (D) of this section do not apply to any 19290
proceeding for which no expenses have been incurred during the 19291

reporting period. 19292

The board of education of each city ~~and~~, exempted village, 19293
and local school district may prepare and publish annually a 19294
report of the condition and administration of the schools under 19295
its supervision which shall include therein an exhibit of the 19296
financial affairs of the district and the information required in 19297
divisions (A) to (D) of this section. Such annual report shall be 19298
for a full year. 19299

Sec. 3319.36. (A) No treasurer of a board of education or 19300
educational service center shall draw a check for the payment of a 19301
teacher for services until the teacher files with the treasurer 19302
both of the following: 19303

(1) Such reports as are required by the state board of 19304
education, the school district board of education, or the 19305
superintendent of schools; 19306

(2) Except for a teacher who is engaged pursuant to section 19307
3319.301 of the Revised Code ~~and except as provided under division~~ 19308
~~(B) of this section~~, a written statement from the city ~~or~~, 19309
exempted village, or local school district superintendent or the 19310
educational service center superintendent that the teacher has 19311
filed with the treasurer a legal educator license or internship 19312
certificate, or true copy of it, to teach the subjects or grades 19313
taught, with the dates of its validity. The state board of 19314
education shall prescribe the record and administration for such 19315
filing of educator licenses and internship certificates in 19316
educational service centers. 19317

~~(B) If the board of education of a local school district and 19318
the governing board of the educational service center of which the 19319
local district is a part have entered into an agreement under 19320
division (B) of section 3319.07 of the Revised Code, the agreement 19321
may also require the superintendent of the local school district,~~ 19322

~~instead of the superintendent of the educational service center, 19323
to administer the filing of educator licenses and internship 19324
certificates for the local school district and to provide to the 19325
teachers of the district the written statements required in 19326
division (A)(2) of this section. While such an agreement is in 19327
effect between a local school district and an educational service 19328
center, a teacher employed by the local district shall file a 19329
legal educator license or internship certificate, or true copy of 19330
it, with the superintendent of the local district and that 19331
superintendent shall provide to the teacher the written statement 19332
required by division (A)(2) of this section. 19333~~

~~(C)~~ Notwithstanding division (A) of this section, the 19334
treasurer may pay either of the following: 19335

(1) Any teacher for services rendered during the first two 19336
months of the teacher's initial employment with the school 19337
district or educational service center, provided such teacher is 19338
the holder of a bachelor's degree or higher and has filed with the 19339
state board of education an application for the issuance of a 19340
provisional or professional educator license. 19341

(2) Any substitute teacher for services rendered while 19342
conditionally employed under section 3319.101 of the Revised Code. 19343

~~(D)~~(C) Upon notice to the treasurer given by the state board 19344
of education or any superintendent having jurisdiction that 19345
reports required of a teacher have not been made, the treasurer 19346
shall withhold the salary of the teacher until the required 19347
reports are completed and furnished. 19348

Sec. 3323.12. The board of education of a school district 19349
shall provide home instruction for handicapped children three to 19350
twenty-one years of age who are unable to attend school, even with 19351
the help of special transportation. The board may arrange for the 19352
provision of home instruction for a child by a cooperative 19353

agreement or contract with a county board of mental retardation 19354
and developmental disabilities or other educational agency. For 19355
the purposes of determining formula ADM and average daily 19356
attendance under ~~section~~ sections 3317.03 and 3317.034 of the 19357
Revised Code, five hours of home instruction shall be equivalent 19358
to attendance for five school days. 19359

Sec. 3323.16. No unit for deaf children shall be disapproved 19360
for funding under division (B) or (D)(1) of section 3317.05 of the 19361
Revised Code on the basis of the methods of instruction used in 19362
educational programs in the school district or institution to 19363
teach deaf children to communicate, and no preference in approving 19364
units for funding shall be given ~~by the state board~~ for teaching 19365
deaf children by the oral, manual, total communication, or other 19366
method of instruction. 19367

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 19368
and division (D) of section 3311.52 of the Revised Code, this 19369
section and sections 3327.011, 3327.012, and 3327.02 of the 19370
Revised Code do not apply to any joint vocational or cooperative 19371
education school district. 19372

In all city, local, and exempted village school districts 19373
where resident school pupils in grades kindergarten through eight 19374
live more than two miles from the school for which the state board 19375
of education prescribes minimum standards pursuant to division (D) 19376
of section 3301.07 of the Revised Code and to which they are 19377
assigned by the board of education of the district of residence or 19378
to and from the nonpublic or community school which they attend 19379
the board of education shall provide transportation for such 19380
pupils to and from such school except as provided in section 19381
3327.02 of the Revised Code. 19382

In all city, local, and exempted village school districts the 19383

board may provide transportation for resident school pupils in 19384
grades nine through twelve to and from the high school to which 19385
they are assigned by the board of education of the district of 19386
residence or to and from the nonpublic or community high school 19387
which they attend for which the state board of education 19388
prescribes minimum standards pursuant to division (D) of section 19389
3301.07 of the Revised Code. 19390

A board of education shall not be required to transport 19391
elementary or high school pupils to and from a nonpublic or 19392
community school where such transportation would require more than 19393
thirty minutes of direct travel time as measured by school bus 19394
from the collection point as designated by ~~the coordinator of~~ 19395
~~school transportation, appointed under section 3327.011 of the~~ 19396
~~Revised Code, for the attendance area of~~ the district of 19397
residence. 19398

Where it is impractical to transport a pupil by school 19399
conveyance, a board of education may offer payment, in lieu of 19400
providing such transportation in accordance with section 3327.02 19401
of the Revised Code. 19402

In all city, local, and exempted village school districts the 19403
board shall provide transportation for all children who are so 19404
crippled that they are unable to walk to and from the school for 19405
which the state board of education prescribes minimum standards 19406
pursuant to division (D) of section 3301.07 of the Revised Code 19407
and which they attend. In case of dispute whether the child is 19408
able to walk to and from the school, the health commissioner shall 19409
be the judge of such ability. In all city, exempted village, and 19410
local school districts the board shall provide transportation to 19411
and from school or special education classes for educable mentally 19412
retarded children in accordance with standards adopted by the 19413
state board of education. 19414

When transportation of pupils is provided the conveyance 19415

shall be run on a time schedule that shall be adopted and put in 19416
force by the board not later than ten days after the beginning of 19417
the school term. 19418

The cost of any transportation service authorized by this 19419
section shall be paid first out of federal funds, if any, 19420
available for the purpose of pupil transportation, and secondly 19421
out of state appropriations, in accordance with regulations 19422
adopted by the state board of education. 19423

No transportation of any pupils shall be provided by any 19424
board of education to or from any school which in the selection of 19425
pupils, faculty members, or employees, practices discrimination 19426
against any person on the grounds of race, color, religion, or 19427
national origin. 19428

~~Sec. 3327.011. Coordinators of school transportation shall be 19429
appointed according to provisions of section 3301.13 of the 19430
Revised Code to assure that each pupil, as provided in section 19431
3327.01 of the Revised Code, is transported to and from the school 19432
which he attends in a safe, expedient, and economical manner using 19433
public school collection points, routes, and schedules. 19434~~

In determining how best to provide ~~such~~ transportation, where 19435
persons or firms on or after April 1, 1965, were providing 19436
transportation to and from schools pursuant to contracts with 19437
persons or agencies responsible for the operation of such schools, 19438
~~a coordinator or~~ the board of education responsible for 19439
transportation in accordance with section 3327.01 of the Revised 19440
Code shall give preference if economically feasible during the 19441
term of any such contract to the firm or person providing such 19442
transportation. The boards of education within the county or group 19443
of counties shall ~~recommend to the coordinator of~~ establish 19444
transportation routes, schedules, and utilization of 19445
transportation equipment. ~~The coordinator, upon receipt of such~~ 19446

~~recommendations, shall establish transportation routes, schedules,~~ 19447
~~and utilization of transportation equipment, following such~~ 19448
~~recommendations to whatever extent is feasible.~~ The appeals from 19449
the determination of the ~~coordinator~~ board of education 19450
responsible for transportation shall be taken to the state board 19451
of education. 19452

Sec. 3329.06. The board of education of each city, exempted 19453
village, and local school district shall furnish, free of charge, 19454
the necessary textbooks to the pupils attending the public 19455
schools. In lieu of textbooks, district boards may furnish 19456
electronic textbooks to pupils attending the public schools, 19457
provided the electronic textbooks are furnished free of charge. A 19458
district board that chooses to furnish electronic textbooks to 19459
pupils attending school in the district shall provide reasonable 19460
access to the electronic textbooks and other necessary computer 19461
equipment to pupils in the district who are required to complete 19462
homework assignments, and teachers providing homework assignments, 19463
utilizing electronic textbooks furnished by the district board. 19464
Pupils wholly or in part supplied with necessary textbooks or 19465
electronic textbooks shall be supplied only as other or new 19466
textbooks or electronic textbooks are needed. ~~A board may limit~~ 19467
~~its purchase and ownership of textbooks or electronic textbooks~~ 19468
~~needed for its schools to six subjects per year, the cost of which~~ 19469
~~shall not exceed twenty five per cent of the entire cost of~~ 19470
~~adoption.~~ All textbooks or electronic textbooks furnished as 19471
provided in this section shall be the property of the district, 19472
and loaned to the pupils on such terms as each such board 19473
prescribes. In order to carry out sections 3329.01 to 3329.10 of 19474
the Revised Code, each board, in the preparation of its annual 19475
budget, shall include as a separate item the amount which the 19476
board finds necessary to administer such sections and such amount 19477
shall not be subject to transfer to any other fund. 19478

Sec. 3329.08. At any regular meeting, the board of education 19479
of each local school district, from lists adopted by the 19480
educational service center governing board, and the board of 19481
education of each city and exempted village school district shall 19482
determine by a majority vote of all members elected or appointed 19483
under division (B) or (F) of section 3311.71 of the Revised Code 19484
which of such textbooks or electronic textbooks so filed shall be 19485
used in the schools under its control. ~~Except for periodic and~~ 19486
~~normal updating of electronic textbooks, no textbooks or~~ 19487
~~electronic textbooks shall be changed, nor any part thereof~~ 19488
~~altered or revised, nor any other textbook or electronic textbook~~ 19489
~~substituted therefor, within four years after the date of~~ 19490
~~selection and adoption thereof, as shown by the official records~~ 19491
~~of such boards, except by the consent, at a regular meeting, of~~ 19492
~~four fifths of all members elected thereto. Textbooks or~~ 19493
~~electronic textbooks so substituted shall be adopted for the full~~ 19494
~~term of four years.~~ 19495

Sec. 3332.04. The state board of career colleges and schools 19496
may appoint an executive director and such other staff as may be 19497
required for the performance of the board's duties and provide 19498
necessary facilities. In selecting an executive director, the 19499
board shall appoint an individual with a background or experience 19500
in the regulation of commerce, business, or education. The board 19501
may also arrange for services and facilities to be provided by the 19502
state board of education and the Ohio board of regents. All 19503
receipts of the board shall be deposited in the state treasury to 19504
the credit of the ~~general revenue~~ occupational licensing and 19505
regulatory fund. 19506

Sec. 3333.12. (A) As used in this section: 19507

(1) "Eligible student" means an undergraduate student who is: 19508

- (a) An Ohio resident; 19509
- (b) Enrolled in either of the following: 19510
- (i) An accredited institution of higher education in this 19511
state that meets the requirements of Title VI of the Civil Rights 19512
Act of 1964 and is state-assisted, is nonprofit and has a 19513
certificate of authorization from the Ohio board of regents 19514
pursuant to Chapter 1713. of the Revised Code, has a certificate 19515
of registration from the state board of career colleges and 19516
schools and program authorization to award an associate or 19517
bachelor's degree, or is a private institution exempt from 19518
regulation under Chapter 3332. of the Revised Code as prescribed 19519
in section 3333.046 of the Revised Code. Students who attend an 19520
institution that holds a certificate of registration shall be 19521
enrolled in a program leading to an associate or bachelor's degree 19522
for which associate or bachelor's degree program the institution 19523
has program authorization issued under section 3332.05 of the 19524
Revised Code. 19525
- (ii) A technical education program of at least two years 19526
duration sponsored by a private institution of higher education in 19527
this state that meets the requirements of Title VI of the Civil 19528
Rights Act of 1964. 19529
- (c) Enrolled as a full-time student or enrolled as a less 19530
than full-time student for the term expected to be the student's 19531
final term of enrollment and is enrolled for the number of credit 19532
hours necessary to complete the requirements of the program in 19533
which the student is enrolled. 19534
- (2) "Gross income" includes all taxable and nontaxable income 19535
of the parents, the student, and the student's spouse, except 19536
income derived from an Ohio academic scholarship, income earned by 19537
the student between the last day of the spring term and the first 19538
day of the fall term, and other income exclusions designated by 19539

the board. Gross income may be verified to the board by the 19540
institution in which the student is enrolled using the federal 19541
financial aid eligibility verification process or by other means 19542
satisfactory to the board. 19543

(3) "Resident," "full-time student," "dependent," 19544
"financially independent," and "accredited" shall be defined by 19545
rules adopted by the board. 19546

(B) The Ohio board of regents shall establish and administer 19547
an instructional grant program and may adopt rules to carry out 19548
this section. The general assembly shall support the instructional 19549
grant program by such sums and in such manner as it may provide, 19550
but the board may also receive funds from other sources to support 19551
the program. If the amounts available for support of the program 19552
are inadequate to provide grants to all eligible students, 19553
preference in the payment of grants shall be given in terms of 19554
income, beginning with the lowest income category of gross income 19555
and proceeding upward by category to the highest gross income 19556
category. 19557

An instructional grant shall be paid to an eligible student 19558
through the institution in which the student is enrolled, except 19559
that no instructional grant shall be paid to any person serving a 19560
term of imprisonment. Applications for such grants shall be made 19561
as prescribed by the board, and such applications may be made in 19562
conjunction with and upon the basis of information provided in 19563
conjunction with student assistance programs funded by agencies of 19564
the United States government or from financial resources of the 19565
institution of higher education. The institution shall certify 19566
that the student applicant meets the requirements set forth in 19567
divisions (A)(1)(b) and (c) of this section. Instructional grants 19568
shall be provided to an eligible student only as long as the 19569
student is making appropriate progress toward a nursing diploma or 19570
an associate or bachelor's degree. No student shall be eligible to 19571

receive a grant for more than ten semesters, fifteen quarters, or 19572
the equivalent of five academic years. A grant made to an eligible 19573
student on the basis of less than full-time enrollment shall be 19574
based on the number of credit hours for which the student is 19575
enrolled and shall be computed in accordance with a formula 19576
adopted by the board. No student shall receive more than one grant 19577
on the basis of less than full-time enrollment. 19578

An instructional grant shall not exceed the total 19579
instructional and general charges of the institution. 19580

(C) The tables in this division prescribe the maximum grant 19581
amounts covering two semesters, three quarters, or a comparable 19582
portion of one academic year. Grant amounts for additional terms 19583
in the same academic year shall be determined under division (D) 19584
of this section. 19585

For a full-time student who is a dependent and enrolled in a 19586
nonprofit educational institution that is not a state-assisted 19587
institution and that has a certificate of authorization issued 19588
pursuant to Chapter 1713. of the Revised Code, the amount of the 19589
instructional grant for two semesters, three quarters, or a 19590
comparable portion of the academic year shall be determined in 19591
accordance with the following table: 19592

	Private Institution					19593
	Table of Grants					19594
	Maximum Grant \$5,466					19595
	Number of Dependents					19596
Gross Income	1	2	3	4	5 or	19597
					more	19598
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	19599
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	19600
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	19601
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	19602

\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	19603
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	19604
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	19605
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	19606
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	19607
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	19608
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	19609
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	19610
\$34,001 - \$35,000	444	888	984	1,080	1,344	19611
\$35,001 - \$36,000	--	444	888	984	1,080	19612
\$36,001 - \$37,000	--	--	444	888	984	19613
\$37,001 - \$38,000	--	--	--	444	888	19614
\$38,001 - \$39,000	--	--	--	--	444	19615

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							19616
Table of Grants							19617
Maximum Grant \$5,466							19618
Gross Income	Number of Dependents						19619
	0	1	2	3	4	5 or more	19620
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	19621
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	19622
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	19623
		<u>5,196</u>					19624
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	19625
		<u>4,914</u>	<u>5,196</u>				19626

\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	19635
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			19636
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	19637
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>			<u>5,196</u>
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	19639
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>			<u>4,914</u>
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	19641
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>			<u>4,650</u>
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	19643
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>			<u>4,380</u>
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	19645
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>			<u>4,104</u>
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	19647
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>			<u>3,822</u>
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	19649
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>			<u>3,546</u>
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	19651
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>			<u>3,408</u>
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	19653
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>			<u>3,276</u>
\$19,301 - \$22,300	--	—	444	888	984	1,080	19655
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>			<u>2,676</u>
\$22,301 - \$25,300	--	—	—	444	888	984	19657
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>			<u>2,358</u>
\$25,301 - \$30,300	--	—	—	—	444	888	19659
		<u>816</u>	<u>1,092</u>	<u>1,368</u>			<u>1,866</u>
\$30,301 - \$35,300	--	—	—	—	—	444	19661
		<u>492</u>	<u>540</u>	<u>672</u>			<u>816</u>

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 career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised

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Code, the amount of the instructional grant for two semesters, 19668
 three quarters, or a comparable portion of the academic year shall 19669
 be determined in accordance with the following table: 19670

Career Institution 19671

Table of Grants 19672

Maximum Grant \$4,632 19673

Gross Income Number of Dependents 19674

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	19675
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	19676
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	19677
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	19678
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	19679
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	19680
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	19681
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	19682
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	19683
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	19684
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	19685
\$33,001 - \$34,000	750	852	906	1,134	1,416	19686
\$34,001 - \$35,000	372	750	852	906	1,134	19687
\$35,001 - \$36,000	--	372	750	852	906	19688
\$36,001 - \$37,000	--	--	372	750	852	19689
\$37,001 - \$38,000	--	--	--	372	750	19690
\$38,001 - \$39,000	--	--	--	--	372	19691

For a full-time student who is financially independent and 19693
 enrolled in an educational institution that holds a certificate of 19694
 registration from the state board of career colleges and schools 19695
 or a private institution exempt from regulation under Chapter 19696
 3332. of the Revised Code as prescribed in section 3333.046 of the 19697
 Revised Code, the amount of the instructional grant for two 19698
 semesters, three quarters, or a comparable portion of the academic 19699

year shall be determined in accordance with the following table:							19700
							19701
							19702
							19703
Gross Income							19704
	0	1	2	3	4	5 or more	19705
							19706
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	19707
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	19708
\$5,301 - \$5,800	3,684	4,182 <u>4,410</u>	4,632	4,632	4,632	4,632	19709
\$5,801 - \$6,300	3,222	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	4,632	19710
\$6,301 - \$6,800	2,790	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	19711
\$6,801 - \$7,300	2,292	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	19712
\$7,301 - \$8,300	1,854	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	4,182 <u>4,410</u>	19713
\$8,301 - \$9,300	1,416	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	3,684 <u>4,158</u>	19714
\$9,301 - \$10,300	1,134	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	3,222 <u>3,930</u>	19715
\$10,301 - \$11,800	906	1,134 <u>2,886</u>	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	2,790 <u>3,714</u>	19716
\$11,801 - \$13,300	852	906 <u>2,772</u>	1,134 <u>2,886</u>	1,416 <u>3,024</u>	1,854 <u>3,246</u>	2,292 <u>3,462</u>	19717
\$13,301 - \$14,800	750	852 <u>2,742</u>	906 <u>2,772</u>	1,134 <u>2,886</u>	1,416 <u>3,024</u>	1,854 <u>3,246</u>	19718
\$14,801 - \$16,300	372	750 <u>2,466</u>	852 <u>2,742</u>	906 <u>2,772</u>	1,134 <u>2,886</u>	1,416 <u>3,024</u>	19719
\$16,301 - \$19,300	--	372 <u>1,800</u>	750 <u>2,220</u>	852 <u>2,520</u>	906 <u>2,772</u>	1,134 <u>2,886</u>	19720

\$19,301 - \$22,300	--	—	372	750	852	906	19732
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>	19733
\$22,301 - \$25,300	--	—	—	372	750	852	19734
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	19735
\$25,301 - \$30,300	--	—	—	—	372	750	19736
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	19737
\$30,301 - \$35,300	--	—	—	—	—	372	19738
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>	19739

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							19745
Table of Grants							19746
Maximum Grant \$2,190							19747
Gross Income	Number of Dependents						19748
	1	2	3	4	5 or more		19749
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		19750
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		19751
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		19752
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		19753
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		19754
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		19755
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740		19756
\$25,001 - \$28,000	648	864	1,080	1,320	1,542		19757
\$28,001 - \$31,000	522	648	864	1,080	1,320		19758
\$31,001 - \$32,000	420	522	648	864	1,080		19759
\$32,001 - \$33,000	384	420	522	648	864		19760
\$33,001 - \$34,000	354	384	420	522	648		19761
\$34,001 - \$35,000	174	354	384	420	522		19762
\$35,001 - \$36,000	--	174	354	384	420		19763

\$36,001 - \$37,000	--	--	174	354	384	19764
\$37,001 - \$38,000	--	--	--	174	354	19765
\$38,001 - \$39,000	--	--	--	--	174	19766

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							19772
Table of Grants							19773
Maximum Grant \$2,190							19774
Gross Income	Number of Dependents						19775
	0	1	2	3	4	5 or more	19776
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	19777
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	19778
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	19779
		<u>2,082</u>					19780
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	19781
		<u>1,968</u>	<u>2,082</u>				19782
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	19783
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			19784
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	19785
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		19786
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	19787
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	19788
\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	19789
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	19790
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	19791
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	19792
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	19793
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	19794
\$11,801 - \$13,300	384	420	522	648	864	1,080	19795

			<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	19796
\$13,301 - \$14,800	354	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>		19797
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>		19798
\$14,801 - \$16,300	174	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>		19799
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>		19800
\$16,301 - \$19,300	--	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>		19801
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>		19802
\$19,301 - \$22,300	--	—	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>		19803
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>		19804
\$22,301 - \$25,300	--	—	—	<u>174</u>	<u>354</u>	<u>384</u>		19805
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>		19806
\$25,301 - \$30,300	--	—	—	—	<u>174</u>	<u>354</u>		19807
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>		19808
\$30,301 - \$35,300	--	—	—	—	—	<u>174</u>		19809
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>		19810

(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 19828
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 19829
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 19830
preceding the fiscal year, equal to or greater than thirty per 19831
cent for each of the preceding two fiscal years. 19832

(2) Division (F)(1) of this section does not apply to the 19833
following: 19834

(a) Any student enrolled in an institution that under the 19835
federal law appeals its loss of eligibility for federal financial 19836
aid and the United States secretary of education determines its 19837
cohort default rate after recalculation is lower than the rate 19838
specified in division (F)(1) of this section or the secretary 19839
determines due to mitigating circumstances the institution may 19840
continue to participate in federal financial aid programs. The 19841
board shall adopt rules requiring institutions to provide 19842
information regarding an appeal to the board. 19843

(b) Any student who has previously received a grant under 19844
this section who meets all other requirements of this section. 19845

(3) The board shall adopt rules for the notification of all 19846
institutions whose students will be ineligible to participate in 19847
the grant program pursuant to division (F)(1) of this section. 19848

(4) A student's attendance at an institution whose students 19849
lose eligibility for grants under division (F)(1) of this section 19850
shall not affect that student's eligibility to receive a grant 19851
when enrolled in another institution. 19852

(G) Institutions of higher education that enroll students 19853
receiving instructional grants under this section shall report to 19854
the board all students who have received instructional grants but 19855
are no longer eligible for all or part of such grants and shall 19856
refund any moneys due the state within thirty days after the 19857
beginning of the quarter or term immediately following the quarter 19858

or term in which the student was no longer eligible to receive all 19859
or part of the student's grant. There shall be an interest charge 19860
of one per cent per month on all moneys due and payable after such 19861
thirty-day period. The board shall immediately notify the office 19862
of budget and management and the legislative service commission of 19863
all refunds so received. 19864

Sec. 3333.16. As used in this section "state institution of 19865
higher education" means an institution of higher education as 19866
defined in section 3345.12 of the Revised Code. 19867

(A) By April 15, 2005, the Ohio board of regents shall do all 19868
of the following: 19869

(1) Require each state institution of higher education to 19870
make changes in its respective academic programs so that 19871
successful completion of any course in a particular field of study 19872
shall be recognized for full credit at any other state institution 19873
of higher education toward satisfying the requirements of a degree 19874
or certification program in that same field of study; 19875

(2) Ensure that community colleges, university branches, 19876
technical colleges, and state community colleges comply with the 19877
requirement of division (A)(5) of section 3333.20 of the Revised 19878
Code that they offer college transfer programs or the initial two 19879
years of a baccalaureate degree for students planning to transfer 19880
to institutions offering baccalaureate programs; 19881

(3) Develop a universal course classification system for 19882
state institutions of higher education, including common numerical 19883
designations and titles, so that the transfer of students and the 19884
transfer and articulation of courses or specified learning modules 19885
or units completed by students are not inhibited by inconsistent 19886
course classifications. 19887

(B) By April 15, 2004, the board shall report to the general 19888

assembly on its progress in attaining completion of the actions 19889
prescribed in division (A) of this section. 19890

Sec. 3365.04. The rules adopted under section 3365.02 of the 19891
Revised Code shall provide for students to enroll in courses under 19892
either of the following options: 19893

(A) The student may elect at the time of enrollment to 19894
receive only college credit for the course. The college shall 19895
notify the student about payment of tuition and fees in the 19896
customary manner followed by the college, and the student shall be 19897
responsible for payment of all tuition and the cost of all 19898
textbooks, materials, and fees associated with the course. If the 19899
student successfully completes the course, the college shall award 19900
the student full credit for the course, but the board of education 19901
or nonpublic participating school shall not award the high school 19902
credit. 19903

(B) The student may elect at the time of enrollment for each 19904
course to receive both college credit and high school credit. 19905
Except as provided in section 3365.041 of the Revised Code, if the 19906
student successfully completes the course, the college shall award 19907
the student full credit for the course, the board of education or 19908
nonpublic school shall award the student high school credit, and 19909
the college shall be reimbursed in accordance with section 3365.07 19910
of the Revised Code. 19911

When determining a school district's formula ADM and average 19912
daily attendance under ~~section~~ sections 3317.03 and 3317.034 of 19913
the Revised Code, the time a participant is attending courses 19914
under division (A) of this section shall be considered as time the 19915
participant is not attending or enrolled in school anywhere, and 19916
the time a participant is attending courses under division (B) of 19917
this section shall be considered as time the participant is 19918
attending or enrolled in the district's schools. 19919

Sec. 3377.01. As used in Chapter 3377. of the Revised Code: 19920

(A) "Educational institution" or "institution" means an 19921
educational institution organized not for profit and holding an 19922
effective certificate of authorization issued under section 19923
1713.02 of the Revised Code. It does not include any institution 19924
created by or in accordance with Title XXXIII of the Revised Code 19925
nor any institution whose principal educational activity is 19926
preparing students for or granting degrees, diplomas, and other 19927
marks of deficiency which have value only in religious and 19928
ecclesiastical fields. 19929

(B) "Educational facility" or "facility" means any building, 19930
structure, facility, equipment, machinery, utility, or 19931
improvement, site, or other interest in real estate therefor or 19932
pertinent thereto, and equipment and furnishings to be used 19933
therein or in connection therewith, together with any 19934
appurtenances necessary or convenient to the uses thereof, to be 19935
used for or in connection with the conduct or operation of an 19936
educational institution, including but not limited to, classrooms 19937
and other instructional facilities, laboratories, research 19938
facilities, libraries, study facilities, administrative and office 19939
facilities, museums, gymnasiums, campus walks, drives and site 19940
improvements, dormitories and other suitable living quarters or 19941
accommodations, dining halls and other food service and 19942
preparation facilities, student services or activity facilities, 19943
physical education, athletic and recreational facilities, 19944
theatres, auditoriums, assembly and exhibition halls, greenhouses, 19945
agricultural buildings and facilities, parking, storage and 19946
maintenance facilities, infirmary, hospital, medical, and health 19947
facilities, continuing education facilities, communications, fire 19948
prevention, and fire fighting facilities, and any one, or any 19949
combination of the foregoing, whether or not comprising part of 19950

one building, structure, or facility. It does not include any 19951
facility used ~~for sectarian instruction or study or~~ exclusively as 19952
a place for devotional activities ~~or religious worship~~. 19953

(C) "Bond proceedings" means the resolution or resolutions, 19954
the trust agreement, the indenture of mortgage, or combination 19955
thereof authorizing or providing for the terms and conditions 19956
applicable to bonds issued under authority of Chapter 3377. of the 19957
Revised Code. 19958

(D) "Pledged facilities" means the project or other property 19959
that is mortgaged or the rentals, revenues, and other income, 19960
charges, and moneys from which are pledged, or both, for the 19961
payment of or the security for the payment of the principal of and 19962
interest on the bonds issued under the authority of section 19963
3377.05 or 3377.06 of the Revised Code. 19964

(E) "Project" means real or personal property, or both, 19965
acquired by gift or purchase, constructed, reconstructed, 19966
enlarged, remodeled, renovated, improved, furnished, or equipped, 19967
or any combination thereof, by or financed by the Ohio higher 19968
educational facility commission, or by funds that are refinanced 19969
or reimbursed by the commission for use by an educational 19970
institution as an educational facility located within the state. 19971

(F) "Project costs" means the costs of acquiring, 19972
constructing, equipping, furnishing, reconstructing, remodeling, 19973
renovating, enlarging, and improving educational facilities 19974
comprising one or more project, including costs connected with or 19975
incidental thereto, provision of capitalized interest prior to and 19976
during construction and for a period after the completion of the 19977
construction, appropriate reserves, architectural, engineering, 19978
financial, and legal services, and all other costs of financing, 19979
and the repayment or restoration of moneys borrowed or advanced 19980
for such purposes or temporarily used therefor from other sources, 19981
and means the costs of refinancing obligations issued or loans 19982

incurred by, or reimbursement of money advanced, invested or 19983
expended by, educational institutions or others the proceeds of 19984
which obligations or loans or the amounts advanced, invested or 19985
expended were used at any time for the payment of project costs, 19986
if the Ohio higher educational facility commission determines that 19987
the refinancing or reimbursement advances the purposes of this 19988
chapter, whether or not the refinancing or reimbursement is in 19989
conjunction with the acquisition or construction of additional 19990
educational facilities 19991

Sec. 3377.06. In anticipation of the issuance of bonds 19992
authorized by section 3377.05 of the Revised Code, the Ohio higher 19993
educational facility commission may issue bond anticipation notes 19994
of the state and may renew the same from time to time by the 19995
issuance of new notes, but the maximum maturity of such notes, 19996
including renewals thereof, shall not exceed five years from the 19997
date of the issuance of the original notes. Such notes are payable 19998
solely from the revenues and receipts that may be pledged to the 19999
payment of such bonds or from the proceeds of such bonds, or both, 20000
as the commission provides in its resolution authorizing such 20001
notes, and may be additionally secured by covenants of the 20002
commission to the effect that the commission will do such or all 20003
things necessary for the issuance of such bonds, or of renewal 20004
notes under this section in appropriate amount, and either 20005
exchange such bonds or renewal notes therefor or apply the 20006
proceeds thereof to the extent necessary to make full payment on 20007
such notes at the time or times contemplated, as provided in such 20008
resolution. Subject to the provisions of this section, all 20009
provisions for and references to bonds in Chapter 3377. of the 20010
Revised Code are applicable to notes authorized under this section 20011
and any references therein to bondholders shall include holders or 20012
owners of such notes. 20013

Prior to the sale of bonds or notes authorized under section 20014

3377.05 or 3377.06 of the Revised Code, the commission shall 20015
determine that the project to be financed thereby will contribute 20016
to the objectives stated in section 3377.02 of the Revised Code 20017
and that the educational institution to which such project is to 20018
be leased, sold, exchanged, or otherwise disposed of, admits 20019
students without discrimination by reason of race, ~~creed~~, color, 20020
or national origin. 20021

Sec. 3383.01. As used in this chapter: 20022

(A) "Arts" means any of the following: 20023

(1) Visual, musical, dramatic, graphic, design, and other 20024
arts, including, but not limited to, architecture, dance, 20025
literature, motion pictures, music, painting, photography, 20026
sculpture, and theater, and the provision of training or education 20027
in these arts; 20028

(2) The presentation or making available, in museums or other 20029
indoor or outdoor facilities, of principles of science and their 20030
development, use, or application in business, industry, or 20031
commerce or of the history, heritage, development, presentation, 20032
and uses of the arts described in division (A)(1) of this section 20033
and of transportation; 20034

(3) The preservation, presentation, or making available of 20035
features of archaeological, architectural, environmental, or 20036
historical interest or significance in a state historical facility 20037
or a local historical facility. 20038

(B) "Arts organization" means either of the following: 20039

(1) A governmental agency or Ohio nonprofit corporation that 20040
provides programs or activities in areas directly concerned with 20041
the arts; 20042

(2) A regional arts and cultural district as defined in 20043
section 3381.01 of the Revised Code. 20044

(C) "Arts project" means all or any portion of an Ohio arts facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.

(D) "Cooperative contract" means a contract between the Ohio arts and sports facilities commission and an arts organization providing the terms and conditions of the cooperative use of an Ohio arts facility.

(E) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the arts organization have executed an agreement with respect to either of those funds.

(F) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(G) "Governmental agency" means a state agency, a 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 20075
entities; except where otherwise indicated, the United States or 20076
any department, division, or agency of the United States, or any 20077
agency, commission, or authority established pursuant to an 20078
interstate compact or agreement. 20079

(H) "Local contributions" means the value of an asset 20080
provided by or on behalf of an arts organization from sources 20081
other than the state, the value and nature of which shall be 20082
approved by the Ohio arts and sports facilities commission, in its 20083
sole discretion. "Local contributions" may include the value of 20084
the site where an arts project is to be constructed. All "local 20085
contributions," except a contribution attributable to such a site, 20086
shall be for the costs of construction of an arts project or the 20087
costs of operation of an arts facility. 20088

(I) "Local historical facility" means a site or facility, 20089
other than a state historical facility, of archaeological, 20090
architectural, environmental, or historical interest or 20091
significance, or a facility, including a storage facility, 20092
appurtenant to the operations of such a site or facility, that is 20093
owned by an arts organization, provided the facility meets the 20094
requirements of division (K)(2)(b) of this section, is managed by 20095
or pursuant to a contract with the Ohio arts and sports facilities 20096
commission, and is used for or in connection with the activities 20097
of the commission, including the presentation or making available 20098
of arts to the public. 20099

(J) "Manage," "operate," or "management" means the provision 20100
of, or the exercise of control over the provision of, activities: 20101

(1) Relating to the arts for an Ohio arts facility, including 20102
as applicable, but not limited to, providing for displays, 20103
exhibitions, specimens, and models; booking of artists, 20104
performances, or presentations; scheduling; and hiring or 20105
contracting for directors, curators, technical and scientific 20106

staff, ushers, stage managers, and others directly related to the 20107
arts activities in the facility; but not including general 20108
building services; 20109

(2) Relating to sports and athletic events for an Ohio sports 20110
facility, including as applicable, but not limited to, providing 20111
for booking of athletes, teams, and events; scheduling; and hiring 20112
or contracting for staff, ushers, managers, and others directly 20113
related to the sports and athletic events in the facility; but not 20114
including general building services. 20115

(K) "Ohio arts facility" means any of the following: 20116

(1) The three theaters located in the state office tower at 20117
77 South High street in Columbus; 20118

(2) Any capital facility in this state to which both of the 20119
following apply: 20120

(a) The construction of an arts project related to the 20121
facility was authorized or funded by the general assembly pursuant 20122
to division (D)(3) of section 3383.07 of the Revised Code and 20123
proceeds of state bonds are used for costs of the arts project. 20124

(b) The facility is managed directly by, or is subject to a 20125
cooperative or management contract with, the Ohio arts and sports 20126
facilities commission, and is used for or in connection with the 20127
activities of the commission, including the presentation or making 20128
available of arts to the public and the provision of training or 20129
education in the arts. ~~A cooperative or management contract shall 20130
be for a term not less than the time remaining to the date of 20131
payment or provision for payment of any state bonds issued to pay 20132
the costs of the arts project, as determined by the director of 20133
budget and management and certified by the director to the Ohio 20134
arts and sports facilities commission and to the Ohio building 20135
authority. 20136~~

(3) A state historical facility or a local historical 20137

facility. 20138

(L) "State agency" means the state or any of its branches, 20139
officers, boards, commissions, authorities, departments, 20140
divisions, or other units or agencies. 20141

(M) "Construction" includes acquisition, including 20142
acquisition by lease-purchase, demolition, reconstruction, 20143
alteration, renovation, remodeling, enlargement, improvement, site 20144
improvements, and related equipping and furnishing. 20145

(N) "State historical facility" means a site or facility of 20146
archaeological, architectural, environmental, or historical 20147
interest or significance, or a facility, including a storage 20148
facility, appurtenant to the operations of such a site or 20149
facility, that is owned by or is located on real property owned by 20150
the state or by an arts organization, so long as the real property 20151
of the arts organization is contiguous to state-owned real 20152
property that is in the care, custody, and control of an arts 20153
organization, and that is managed directly by or is subject to a 20154
cooperative or management contract with the Ohio arts and sports 20155
facilities commission and is used for or in connection with the 20156
activities of the commission, including the presentation or making 20157
available of arts to the public. 20158

(O) "Ohio sports facility" means all or a portion of a 20159
stadium, arena, or other capital facility in this state, a primary 20160
purpose of which is to provide a site or venue for the 20161
presentation to the public of events of one or more major or minor 20162
league professional athletic or sports teams that are associated 20163
with the state or with a city or region of the state, which 20164
facility is owned by or is located on real property owned by the 20165
state or a governmental agency, and including all parking 20166
facilities, walkways, and other auxiliary facilities, equipment, 20167
furnishings, and real and personal property and interests and 20168
rights therein, that may be appropriate for or used for or in 20169

connection with the facility or its operation, for capital costs 20170
of which state funds are spent pursuant to this chapter. A 20171
facility constructed as an Ohio sports facility may be both an 20172
Ohio arts facility and an Ohio sports facility. 20173

Sec. 3383.07. (A) The department of administrative services 20174
shall provide for the construction of an arts project in 20175
conformity with Chapter 153. of the Revised Code, except as 20176
follows: 20177

(1) For an arts project that has an estimated construction 20178
cost, excluding the cost of acquisition, of twenty-five million 20179
dollars or more, and that is financed by the Ohio building 20180
authority, construction services may be provided by the authority 20181
if the authority determines it should provide those services. 20182

(2) For an arts project other than a state historical 20183
facility, construction services may be provided on behalf of the 20184
state by the Ohio arts and sports facilities commission, or by a 20185
governmental agency or an arts organization that occupies, will 20186
occupy, or is responsible for the Ohio arts facility, as 20187
determined by the commission. Construction services to be provided 20188
by a governmental agency or an arts organization shall be 20189
specified in an agreement between the commission and the 20190
governmental agency or arts organization. The agreement, or any 20191
actions taken under it, are not subject to Chapter 123. or 153. of 20192
the Revised Code, except for sections 123.151 and 153.011 of the 20193
Revised Code, and shall be subject to Chapter 4115. of the Revised 20194
Code. 20195

(3) For an arts project that is a state historical facility, 20196
construction services may be provided by the Ohio arts and sports 20197
facilities commission or by an arts organization that occupies, 20198
will occupy, or is responsible for the facility, as determined by 20199
the commission. The construction services to be provided by the 20200

arts organization shall be specified in an agreement between the 20201
commission and the arts organization. That agreement, and any 20202
actions taken under it, are not subject to Chapter 123., 153., or 20203
4115. of the Revised Code. 20204

(B) For an Ohio sports facility that is financed in part by 20205
the Ohio building authority, construction services shall be 20206
provided on behalf of the state by or at the direction of the 20207
governmental agency or nonprofit corporation that will own or be 20208
responsible for the management of the facility, all as determined 20209
by the Ohio arts and sports facilities commission. Any 20210
construction services to be provided by a governmental agency or 20211
nonprofit corporation shall be specified in an agreement between 20212
the commission and the governmental agency or nonprofit 20213
corporation. That agreement, and any actions taken under it, are 20214
not subject to Chapter 123. or 153. of the Revised Code, except 20215
for sections 123.151 and 153.011 of the Revised Code, and shall be 20216
subject to Chapter 4115. of the Revised Code. 20217

(C) General building services for an Ohio arts facility shall 20218
be provided by the Ohio arts and sports facilities commission or 20219
by an arts organization that occupies, will occupy, or is 20220
responsible for the facility, as determined by the commission, 20221
except that the Ohio building authority may elect to provide those 20222
services for Ohio arts facilities financed with proceeds of state 20223
bonds issued by the authority. The costs of management and general 20224
building services shall be paid by the arts organization that 20225
occupies, will occupy, or is responsible for the facility as 20226
provided in an agreement between the commission and the arts 20227
organization, except that the state may pay for general building 20228
services for state-owned arts facilities constructed on 20229
state-owned land. 20230

General building services for an Ohio sports facility shall 20231
be provided by or at the direction of the governmental agency or 20232

nonprofit corporation that will be responsible for the management 20233
of the facility, all as determined by the commission. Any general 20234
building services to be provided by a governmental agency or 20235
nonprofit corporation for an Ohio sports facility shall be 20236
specified in an agreement between the commission and the 20237
governmental agency or nonprofit corporation. That agreement, and 20238
any actions taken under it, are not subject to Chapter 123. or 20239
153. of the Revised Code, except for sections 123.151 and 153.011 20240
of the Revised Code, and shall be subject to Chapter 4115. of the 20241
Revised Code. 20242

(D) This division does not apply to a state historical 20243
facility. No state funds, including any state bond proceeds, shall 20244
be spent on the construction of any arts project under this 20245
chapter unless, with respect to the arts project and to the Ohio 20246
arts facility related to the project, all of the following apply: 20247

(1) The Ohio arts and sports facilities commission has 20248
determined that there is a need for the arts project and the Ohio 20249
arts facility related to the project in the region of the state in 20250
which the Ohio arts facility is located or for which the facility 20251
is proposed. 20252

(2) The commission has determined that, as an indication of 20253
substantial regional support for the arts project, the arts 20254
organization has made provision satisfactory to the commission, in 20255
its sole discretion, for local contributions amounting to not less 20256
than fifty per cent of the total state funding for the arts 20257
project. 20258

(3) The general assembly has specifically authorized the 20259
spending of money on, or made an appropriation for, the 20260
construction of the arts project, or for rental payments relating 20261
to the financing of the construction of the arts project. 20262
Authorization to spend money, or an appropriation, for planning 20263
the arts project does not constitute authorization to spend money 20264

on, or an appropriation for, construction of the arts project. 20265

(E) No state funds, including any state bond proceeds, shall 20266
be spent on the construction of any state historical facility 20267
under this chapter unless the general assembly has specifically 20268
authorized the spending of money on, or made an appropriation for, 20269
the construction of the arts project related to the facility, or 20270
for rental payments relating to the financing of the construction 20271
of the arts project. Authorization to spend money, or an 20272
appropriation, for planning the arts project does not constitute 20273
authorization to spend money on, or an appropriation for, the 20274
construction of the arts project. 20275

(F) State funds shall not be used to pay or reimburse more 20276
than fifteen per cent of the initial estimated construction cost 20277
of an Ohio sports facility, excluding any site acquisition cost, 20278
and no state funds, including any state bond proceeds, shall be 20279
spent on any Ohio sports facility under this chapter unless, with 20280
respect to that facility, all of the following apply: 20281

(1) The Ohio arts and sports facilities commission has 20282
determined that there is a need for the facility in the region of 20283
the state for which the facility is proposed to provide the 20284
function of an Ohio sports facility as provided for in this 20285
chapter. 20286

(2) As an indication of substantial local support for the 20287
facility, the commission has received a financial and development 20288
plan satisfactory to it, and provision has been made, by agreement 20289
or otherwise, satisfactory to the commission, for a contribution 20290
amounting to not less than eighty-five per cent of the total 20291
estimated construction cost of the facility, excluding any site 20292
acquisition cost, from sources other than the state. 20293

(3) The general assembly has specifically authorized the 20294
spending of money on, or made an appropriation for, the 20295

construction of the facility, or for rental payments relating to 20296
state financing of all or a portion of the costs of constructing 20297
the facility. Authorization to spend money, or an appropriation, 20298
for planning or determining the feasibility of or need for the 20299
facility does not constitute authorization to spend money on, or 20300
an appropriation for, costs of constructing the facility. 20301

(4) If state bond proceeds are being used for the Ohio sports 20302
facility, the state or a governmental agency owns or has 20303
sufficient property interests in the facility or in the site of 20304
the facility or in the portion or portions of the facility 20305
financed from proceeds of state bonds, which may include, but is 20306
not limited to, the right to use or to require the use of the 20307
facility for the presentation of sport and athletic events to the 20308
public at the facility, ~~extending for a period of not less than~~ 20309
~~the greater of the useful life of the portion of the facility~~ 20310
~~financed from proceeds of those bonds as determined using the~~ 20311
~~guidelines for maximum maturities as provided under divisions (B),~~ 20312
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 20313
~~of time remaining to the date of payment or provision for payment~~ 20314
~~of outstanding state bonds allocable to costs of the facility, all~~ 20315
~~as determined by the director of budget and management and~~ 20316
~~certified by the director to the Ohio arts and sports facilities~~ 20317
~~commission and to the Ohio building authority.~~ 20318

Sec. 3501.011. (A) Except as otherwise provided in divisions 20319
(B) and (C) of this section, and except as otherwise provided in 20320
any section of Title XXXV of the Revised Code to the contrary, as 20321
used in the sections of the Revised Code relating to elections and 20322
political communications, whenever a person is required to sign or 20323
affix a signature to a declaration of candidacy, nominating 20324
petition, declaration of intent to be a write-in candidate, 20325
initiative petition, referendum petition, recall petition, or any 20326
other kind of petition, or to sign or affix a signature on any 20327

other document that is filed with or transmitted to a board of elections or the office of the secretary of state, "sign" or "signature" means that person's written, cursive-style legal mark written in that person's own hand. 20328
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(B) For persons who do not use a cursive-style legal mark during the course of their regular business and legal affairs, "sign" or "signature" means that person's other legal mark that the person uses during the course of that person's regular business and legal affairs that is written in the person's own hand. 20332
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(C) Any voter registration record requiring a person's signature shall be signed using the person's legal mark used in the person's regular business and legal affairs. For any purpose described in division (A) of this section, the legal mark of a registered elector shall be considered to be the mark of that elector as it appears on the elector's voter registration record. 20338
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Sec. 3501.18. (A) The board of elections may divide a political subdivision~~7~~ within its jurisdiction~~7~~ into precincts ~~and~~and establish, define, divide, rearrange, and combine the several election precincts within its jurisdiction~~1~~ and change the location of the polling place for each precinct when it is necessary to maintain the requirements as to the number of voters in a precinct and to provide for the convenience of the voters and the proper conduct of elections, ~~provided that no.~~ No change in the number of precincts or in precinct boundaries shall be made during the twenty-five days immediately preceding a primary or general election ~~nor~~ or between the first day of January and the day on which the members of county central committees are elected in the years in which those committees are elected. Except as otherwise provided in division (C) of this section, each precinct shall contain a number of electors, not to exceed one thousand 20344
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four hundred, that the board of elections determines to be a 20359
reasonable number after taking into consideration the type and 20360
amount of available equipment, prior voter turnout, the size and 20361
location of each selected polling place, available parking, 20362
availability of an adequate number of poll workers, and handicap 20363
accessibility and other accessibility to the polling place. 20364

If the board changes the boundaries of a precinct after the 20365
filing of a local option election petition pursuant to sections 20366
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 20367
calls for a local option election to be held in that precinct, the 20368
local option election shall be held in the area that constituted 20369
the precinct at the time the local option petition was filed, 20370
regardless of the change in the boundaries. 20371

If the board changes the boundaries of a precinct in order to 20372
meet the requirements of division (B)(1) of this section in a 20373
manner that causes a member of a county central committee to no 20374
longer qualify as a representative of an election precinct in the 20375
county, of a ward of a city in the county, or of a township in the 20376
county, the member shall continue to represent the precinct, ward, 20377
or township for the remainder of the member's term, regardless of 20378
the change in boundaries. 20379

In an emergency, the board may provide more than one polling 20380
place in a precinct. In order to provide for the convenience of 20381
the voters, the board may locate polling places for voting or 20382
registration outside the boundaries of precincts, provided that 20383
the nearest public school or public building shall be used if the 20384
board determines it to be available and suitable for use as a 20385
polling place. Except in an emergency, no change in the number or 20386
location of the polling places in a precinct shall be made during 20387
the twenty-five days immediately preceding a primary or general 20388
election. 20389

Electors who have failed to respond within thirty days to any 20390

confirmation notice shall not be counted in determining the size 20391
of any precinct under this section. 20392

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 20393
of this section, ~~not later than August 1, 2000, the~~ a board of 20394
elections shall determine all precinct boundaries using 20395
geographical units used by the United States department of 20396
commerce, bureau of the census, in reporting the decennial census 20397
of Ohio. 20398

~~(2) When any part of the boundary of a precinct also forms a 20399
part of the boundary of a legislative district and the precinct 20400
boundary cannot be determined by August 1, 2000, using the 20401
geographical units described in division (B)(1) of this section 20402
without making that part of the precinct boundary that also forms 20403
part of the legislative district boundary different from that 20404
legislative district boundary, the board of elections may 20405
determine the boundary of that precinct using the geographical 20406
units described in division (B)(1) of this section not later than 20407
April 1, 2002. As used in this division, legislative district 20408
means a district determined under Article XI of the Ohio 20409
Constitution. 20410~~

~~(3) The board of elections may apply to the secretary of 20411
state for a waiver from the requirement of division (B)(1) of this 20412
section when it is not feasible to comply with that requirement 20413
because of unusual physical boundaries or residential development 20414
practices that would cause unusual hardship for voters. The board 20415
shall identify the affected precincts and census units, explain 20416
the reason for the waiver request, and include a map illustrating 20417
where the census units will be split because of the requested 20418
waiver. If the secretary of state approves the waiver and so 20419
notifies the board of elections in writing, the board may change a 20420
precinct boundary as necessary under this section, notwithstanding 20421
the requirement in division (B)(1) of this section. 20422~~

(C) The board of elections may apply to the secretary of state for a waiver from the requirement of division (A) of this section regarding the number of electors in a precinct when the use of geographical units used by the United States department of commerce, bureau of the census, will cause a precinct to contain more than one thousand four hundred electors. The board shall identify the affected precincts and census units, explain the reason for the waiver request, and include a map illustrating where census units will be split because of the requested waiver. If the secretary of state approves the waiver and so notifies the board of elections in writing, the board may change a precinct boundary as necessary to meet the requirements of division (B)(1) of this section.

Sec. 3501.30. (A) The board of elections shall provide for each polling place the necessary ballot boxes, official ballots, cards of instructions, registration forms, pollbooks, or poll lists, tally sheets, forms on which to make summary statements, writing implements, paper, and all other supplies necessary for casting and counting the ballots and recording the results of the voting at ~~such the~~ polling place. ~~Such~~ The pollbooks or poll lists shall have certificates appropriately printed ~~thereon~~ on them for the signatures of all the precinct officials, by which they shall certify that, to the best of their knowledge and belief, ~~said the~~ pollbooks or poll lists correctly show the names of all electors who voted in ~~such the~~ polling place at the election indicated therein in the pollbook or poll list.

A All of the following shall be included among the supplies provided to each polling place:

(1) A large map of each appropriate precinct shall be included among the supplies to each polling place, which shall be displayed prominently to assist persons who desire to register or

vote on election day. Each map shall show all streets within the precinct and contain identifying symbols of the precinct in bold print.

~~Such supplies shall also include a~~ (2) Any materials, postings, or instructions required to comply with state or federal laws;

(3) A flag of the United States approximately two and one-half feet in length along the top, which shall be displayed outside the entrance to the polling place during the time it is open for voting. ~~Two;~~

(4) Two or more small flags of the United States approximately fifteen inches in length along the top ~~shall be provided and, which~~ shall be placed at a distance of one hundred feet from the polling place on the thoroughfares or walkways leading to the polling place, to mark the distance within which persons other than election officials, witnesses, challengers, police officers, and electors waiting to mark, marking, or casting their ballots shall not loiter, congregate, or engage in any kind of election campaigning. Where small flags cannot reasonably be placed one hundred feet from the polling place, the presiding election judge shall place the flags as near to one hundred feet from the entrance to the polling place as is physically possible. Police officers and all election officials shall see that this prohibition against loitering and congregating is enforced. ~~When~~

When the period of time during which the polling place is open for voting expires, all of ~~said~~ the flags described in this division shall be taken into the polling place, and shall be returned to the board together with all other election ~~materials~~ ~~and~~ supplies required to be delivered to ~~such~~ the board.

(B) The board of elections shall follow the instructions and advisories of the secretary of state in the production and use of

polling place supplies. 20485

Sec. 3505.08. (A) Ballots shall be provided by the board of 20486
elections for all general and special elections. ~~Such~~ The ballots 20487
shall be printed with black ink on No. 2 white book paper fifty 20488
pounds in weight per ream assuming such ream to consist of five 20489
hundred sheets of such paper twenty-five by thirty-eight inches in 20490
size. Each ballot shall have attached at the top two stubs, each 20491
of the width of the ballot and not less than one-half inch in 20492
length, except that, if the board of elections has an alternate 20493
method to account for the ballots that the secretary of state has 20494
authorized, each ballot may have only one stub that shall be the 20495
width of the ballot and not less than one-half inch in length. In 20496
the case of ballots with two stubs, the stubs shall be separated 20497
from the ballot and from each other by perforated lines. The top 20498
stub shall be known as Stub B and shall have printed on its face 20499
"Stub B." The other stub shall be known as Stub A and shall have 20500
printed on its face "Stub A." Each stub shall also have printed on 20501
its face "Consecutive Number" ~~Each~~ 20502

Each ballot of each kind of ballot provided for use in each 20503
precinct shall be numbered consecutively beginning with number 1 20504
by printing such number upon both of the stubs attached ~~thereto~~ to 20505
the ballot. On ballots bearing the names of candidates, each 20506
candidate's name shall be printed in twelve point boldface upper 20507
case type in an enclosed rectangular space, and an enclosed blank 20508
rectangular space shall be provided at the left ~~thereof~~ of the 20509
candidate's name. The name of the political party of a candidate 20510
nominated at a primary election or certified by a party committee 20511
shall be printed in ten point lightface upper and lower case type 20512
and shall be separated by a two point blank space. The name of 20513
each candidate shall be indented one space within ~~such~~ the 20514
enclosed rectangular space, and the name of the political party 20515
shall be indented two spaces within ~~such~~ the enclosed rectangular 20516

space. ~~The~~ 20517

The title of each office on ~~such the~~ ballots shall be printed 20518
in twelve point boldface upper and lower case type in a separate 20519
enclosed rectangular space. A four point rule shall separate the 20520
name of a candidate or a group of candidates for the same office 20521
from the title of the office next appearing below on the ballot, ~~and~~ 20522
~~and~~; a two point rule shall separate the title of the office from 20523
the names of candidates; and a one point rule shall separate names 20524
of candidates. Headings shall be printed in display Roman type. 20525
When the names of several candidates are grouped together as 20526
candidates for the same office, there shall be printed on ~~such the~~ 20527
ballots immediately below the title of ~~such the~~ office and within 20528
the separate rectangular space in which ~~such the~~ title is printed 20529
"Vote for not more than," in six point boldface upper and 20530
lower case filling the blank space with that number which will 20531
indicate the number of persons who may be lawfully elected to ~~such~~ 20532
the office. 20533

Columns on ballots shall be separated from each other by a 20534
heavy vertical border or solid line at least one-eighth of an inch 20535
wide, and a similar vertical border or line shall enclose the left 20536
and right side of ballots, ~~and ballots.~~ Ballots shall be trimmed 20537
along the sides close to such lines. 20538

The ballots provided for by this section shall be comprised 20539
of four kinds of ballots designated as follows: ~~(A)~~ office type 20540
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 20541
~~(D)~~ and presidential ballot. 20542

On the back of each office type ballot shall be printed 20543
"Official Office Type Ballot;" on the back of each nonpartisan 20544
ballot shall be printed "Official Nonpartisan Ballot;" on the back 20545
of each questions and issues ballot shall be printed "Official 20546
Questions and Issues Ballot;" and on the back of each presidential 20547
ballot shall be printed "Official Presidential Ballot." On the 20548

back of every ballot also shall be printed the date of the 20549
election at which the ballot is used and the facsimile signatures 20550
of the members of the board of the county in which the ballot is 20551
used. For the purpose of identifying the kind of ballot, the back 20552
of every ballot may be numbered in ~~such the~~ order ~~as~~ the board 20553
shall determine. ~~Such~~ The numbers shall be printed in not less 20554
than thirty-six point type above the words "Official Office Type 20555
Ballot," "Official Nonpartisan Ballot," "Official Questions and 20556
Issues Ballot," or "Official Presidential Ballot," as the case may 20557
be. Ballot boxes bearing corresponding numbers shall be furnished 20558
for each precinct in which the above-described numbered ballots 20559
are used. 20560

On the back of every ballot used, there shall be a solid 20561
black line printed opposite the blank rectangular space that is 20562
used to mark the choice of the voter. This line shall be printed 20563
wide enough so that the mark in the blank rectangular space will 20564
not be visible from the back side of the ballot. 20565

Sample ballots may be printed by the board of elections for 20566
all general elections. ~~Such~~ The ballots shall be printed on 20567
colored paper, and "Sample Ballot" shall be plainly printed in 20568
boldface type on the face of each ballot. In counties of less than 20569
one hundred thousand population, the board may print not more than 20570
five hundred sample ballots; in all other counties, it may print 20571
not more than one thousand sample ballots. ~~Such~~ The sample ballots 20572
shall not be distributed by a political party or a candidate, nor 20573
shall a political party or candidate cause their title or name to 20574
be imprinted ~~thereon~~ on sample ballots. 20575

(B) Notwithstanding division (A) of this section, in 20576
approving the form of an official ballot, the secretary of state 20577
may authorize the use of fonts, type face settings, and ballot 20578
formats other than those prescribed in that division. 20579

Sec. 3517.092. (A) As used in this section:	20580
(1) "Appointing authority" has the same meaning as in section 124.01 of the Revised Code.	20581 20582
(2) "State elected officer" means any person appointed or elected to a state elective office.	20583 20584
(3) "State elective office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, and justice and chief justice of the supreme court.	20585 20586 20587 20588 20589
(4) "County elected officer" means any person appointed or elected to a county elective office.	20590 20591
(5) "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner.	20592 20593 20594 20595
(6) "Contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund.	20596 20597 20598
(B) No state elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that officer or that officer's campaign committee from any of the following:	20599 20600 20601 20602
(1) A state employee whose appointing authority is the state elected officer;	20603 20604
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	20605 20606
(3) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the	20607 20608

state elected officer. 20609

(C) No candidate for a state elective office, no campaign 20610
committee of such a candidate, and no other person or entity shall 20611
knowingly solicit or accept a contribution on behalf of that 20612
candidate or that candidate's campaign committee from any of the 20613
following: 20614

(1) A state employee at the time of the solicitation, whose 20615
appointing authority will be the candidate, if elected; 20616

(2) A state employee at the time of the solicitation, whose 20617
appointing authority will be appointed by the candidate, if 20618
elected, as authorized or required by law; 20619

(3) A state employee at the time of the solicitation, who 20620
will function in or be employed in or by the same public agency, 20621
department, division, or office as the candidate, if elected. 20622

(D) No county elected officer, no campaign committee of such 20623
an officer, and no other person or entity shall knowingly solicit 20624
a contribution on behalf of that officer or that officer's 20625
campaign committee from any of the following: 20626

(1) A county employee whose appointing authority is the 20627
county elected officer; 20628

(2) A county employee whose appointing authority is 20629
authorized or required by law to be appointed by the county 20630
elected officer; 20631

(3) A county employee who functions in or is employed in or 20632
by the same public agency, department, division, or office as the 20633
county elected officer. 20634

(E) No candidate for a county elective office, no campaign 20635
committee of such a candidate, and no other person or entity shall 20636
knowingly solicit a contribution on behalf of that candidate or 20637
that candidate's campaign committee from any of the following: 20638

(1) A county employee at the time of the solicitation, whose 20639
appointing authority will be the candidate, if elected; 20640

(2) A county employee at the time of the solicitation, whose 20641
appointing authority will be appointed by the candidate, if 20642
elected, as authorized or required by law; 20643

(3) A county employee at the time of the solicitation, who 20644
will function in or be employed in or by the same public agency, 20645
department, division, or office as the candidate, if elected. 20646

(F)(1) No public employee shall solicit a contribution from 20647
any person while the public employee is performing the public 20648
employee's official duties or in those areas of a public building 20649
where official business is transacted or conducted. 20650

(2) No person shall solicit a contribution from any public 20651
employee while the public employee is performing the public 20652
employee's official duties or is in those areas of a public 20653
building where official business is transacted or conducted. 20654

(3) As used in division (F) of this section, "public 20655
employee" does not include any person holding an elective office. 20656

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 20657
of this section are in addition to the prohibitions in sections 20658
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 20659

Sec. 3701.021. (A) The public health council shall adopt, in 20660
accordance with Chapter 119. of the Revised Code, such rules as 20661
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 20662
of the Revised Code, including, but not limited to, rules to 20663
establish the following: 20664

(1) Medical and financial eligibility requirements for the 20665
program for medically handicapped children; 20666

(2) Eligibility requirements for providers of services for 20667

medically handicapped children;	20668
(3) Procedures to be followed by the department of health in	20669
disqualifying providers for violating requirements adopted under	20670
division (A)(2) of this section;	20671
(4) Procedures to be used by the department regarding	20672
application for diagnostic services under division (B) of section	20673
3701.023 of the Revised Code and payment for those services under	20674
division (E) of that section;	20675
(5) Standards for the provision of service coordination by	20676
the department of health and city and general health districts;	20677
(6) Procedures for the department to use to determine the	20678
amount to be paid annually by each county for services for	20679
medically handicapped children and to allow counties to retain	20680
funds under divisions (A)(2) and (3) of section 3701.024 of the	20681
Revised Code;	20682
(7) Financial eligibility requirements for services for Ohio	20683
residents twenty-one years of age or older who have cystic	20684
fibrosis;	20685
(8) Criteria for payment of approved providers who provide	20686
services for medically handicapped children;	20687
(9) Criteria for the department to use in determining whether	20688
the payment of health insurance premiums of participants in the	20689
program for medically handicapped children is cost-effective;	20690
(10) Procedures for appeal of denials of applications under	20691
divisions (A) and (D) of section 3701.023 of the Revised Code,	20692
disqualification of providers, and amounts paid for services;	20693
(11) Terms of appointment for members of the medically	20694
handicapped children's medical advisory council created in section	20695
3701.025 of the Revised Code;	20696
<u>(12) Eligibility requirements for the hemophilia program,</u>	20697

<u>including income and hardship requirements.</u>	20698
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.028 <u>3701.0210</u> of the Revised Code.	20699 20700 20701 20702
Sec. 3701.022. As used in sections 3701.021 to 3701.028 <u>3701.0210</u> of the Revised Code:	20703 20704
(A) "Medically handicapped child" means an Ohio resident under twenty-one years of age who suffers primarily from an organic disease, defect, or a congenital or acquired physically handicapping and associated condition that may hinder the achievement of normal growth and development.	20705 20706 20707 20708 20709
(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for medically handicapped children.	20710 20711 20712 20713 20714 20715
(C) "Service coordination" means case management services provided to medically handicapped children that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.	20716 20717 20718 20719 20720
(D)(1) "Third party" means any person or government entity other than the following:	20721 20722
(a) A medically handicapped child participating in the program for medically handicapped children or the child's parent or guardian;	20723 20724 20725
(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant,"	20726 20727

Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 20728
U.S.C.A. 701, as amended; 20729

(c) The "caring program for children" operated by the 20730
nonprofit community mutual insurance corporation. 20731

(2) "Third party" includes all of the following: 20732

(a) Any trust established to benefit a medically handicapped 20733
child participating in the program or the child's family or 20734
guardians, if the trust was established after the date the 20735
medically handicapped child applied to participate in the program; 20736

(b) That portion of a trust designated to pay for the medical 20737
and ancillary care of a medically handicapped child, if the trust 20738
was established on or before the date the medically handicapped 20739
child applied to participate in the program; 20740

(c) The program awarding reparations to victims of crime 20741
established under sections 2743.51 to 2743.72 of the Revised Code. 20742

(E) "Third-party benefits" means any and all benefits paid by 20743
a third party to or on behalf of a medically handicapped child 20744
participating in the program or the child's parent or guardian for 20745
goods or services that are authorized by the department pursuant 20746
to division (B) or (D) of section 3701.023 of the Revised Code. 20747

(F) "Hemophilia program" means the hemophilia program the 20748
department of health is required to establish and administer under 20749
section 3701.029 of the Revised Code. 20750

Sec. 3701.024. (A)(1) Under a procedure established in rules 20751
adopted under section 3701.021 of the Revised Code, the department 20752
of health shall determine the amount each county shall provide 20753
annually for the program for medically handicapped children, based 20754
on a proportion of the county's total general property tax 20755
duplicate, not to exceed one-tenth of a mill ~~through fiscal year~~ 20756
~~2005 and three tenths of a mill thereafter,~~ and charge the county 20757

for any part of expenses incurred under the program for treatment 20758
services on behalf of medically handicapped children having legal 20759
settlement in the county that is not paid from federal funds or 20760
through the medical assistance program established under section 20761
5111.01 of the Revised Code. The department shall not charge the 20762
county for expenses exceeding the difference between the amount 20763
determined under division (A)(1) of this section and any amounts 20764
retained under divisions (A)(2) and (3) of this section. 20765

All amounts collected by the department under division (A)(1) 20766
of this section shall be deposited into the state treasury to the 20767
credit of the medically handicapped children-county assessment 20768
fund, which is hereby created. The fund shall be used by the 20769
department to comply with sections 3701.021 to 3701.028 of the 20770
Revised Code. 20771

(2) The department, in accordance with rules adopted under 20772
section 3701.021 of the Revised Code, may allow each county to 20773
retain up to ten per cent of the amount determined under division 20774
(A)(1) of this section to provide funds to city or general health 20775
districts of the county with which the districts shall provide 20776
service coordination, public health nursing, or transportation 20777
services for medically handicapped children. 20778

(3) In addition to any amount retained under division (A)(2) 20779
of this section, the department, in accordance with rules adopted 20780
under section 3701.021 of the Revised Code, may allow counties 20781
that it determines have significant numbers of potentially 20782
eligible medically handicapped children to retain an amount equal 20783
to the difference between: 20784

(a) Twenty-five per cent of the amount determined under 20785
division (A)(1) of this section; 20786

(b) Any amount retained under division (A)(2) of this 20787
section. 20788

Counties shall use amounts retained under division (A)(3) of 20789
this section to provide funds to city or general health districts 20790
of the county with which the districts shall conduct outreach 20791
activities to increase participation in the program for medically 20792
handicapped children. 20793

(4) Prior to any increase in the millage charged to a county, 20794
the public health council shall hold a public hearing on the 20795
proposed increase and shall give notice of the hearing to each 20796
board of county commissioners that would be affected by the 20797
increase at least thirty days prior to the date set for the 20798
hearing. Any county commissioner may appear and give testimony at 20799
the hearing. Any increase in the millage any county is required to 20800
provide for the program for medically handicapped children shall 20801
be determined, and notice of the amount of the increase shall be 20802
provided to each affected board of county commissioners, no later 20803
than the first day of June of the fiscal year next preceding the 20804
fiscal year in which the increase will take effect. 20805

(B) Each board of county commissioners shall establish a 20806
medically handicapped children's fund and shall appropriate 20807
thereto an amount, determined in accordance with division (A)(1) 20808
of this section, for the county's share in providing medical, 20809
surgical, and other aid to medically handicapped children residing 20810
in such county and for the purposes specified in divisions (A)(2) 20811
and (3) of this section. Each county shall use money retained 20812
under divisions (A)(2) and (3) of this section only for the 20813
purposes specified in those divisions. 20814

Sec. 3701.029. Subject to available funds, the department of 20815
health shall establish and administer a hemophilia program to 20816
provide payment of health insurance premiums for Ohio residents 20817
who meet all of the following requirements: 20818

(A) Have been diagnosed with hemophilia or a related bleeding 20819

<u>disorder;</u>	20820
<u>(B) Are at least twenty-one years of age;</u>	20821
<u>(C) Meet the eligibility requirements established by rules</u>	20822
<u>adopted under division (A)(12) of section 3701.021 of the Revised</u>	20823
<u>Code.</u>	20824
<u>Sec. 3701.145 3701.0210.</u> The director of health <u>medically</u>	20825
<u>handicapped children's medical advisory council</u> shall establish	20826
<u>appoint</u> a hemophilia advisory council <u>subcommittee</u> to advise the	20827
director and the department of health <u>and council</u> on all matters	20828
pertaining to the care and treatment of persons with hemophilia.	20829
The council <u>subcommittee</u> shall consist of not fewer than nineteen	20830
<u>fifteen</u> members, each of whom shall be appointed by the director	20831
to terms of four years. The members of the council <u>subcommittee</u>	20832
shall elect a chairperson from among the appointed membership to	20833
serve a term of two years. Members of the council <u>subcommittee</u>	20834
shall serve without compensation, except that they may be	20835
reimbursed for travel expenses to and from meetings of the council	20836
<u>subcommittee</u> .	20837
Members shall be appointed to represent all geographic areas	20838
of this state. Not fewer than five members of the council	20839
<u>subcommittee</u> shall be persons with hemophilia or family members of	20840
persons with hemophilia. Not fewer than five members shall be	20841
providers of health care services to persons with hemophilia. Not	20842
fewer than five members shall be experts in fields of importance	20843
to treatment of persons with hemophilia, including experts in	20844
infectious diseases, insurance, and law.	20845
The council shall submit to the director of health, the	20846
governor, and the general assembly, a report no later than the	20847
thirtieth day of September of each year summarizing the current	20848
status and needs of persons in this state with hemophilia and of	20849
family members of persons with hemophilia.	20850

~~Notwithstanding section 101.83 of the Revised Code, that~~ 20851
~~section does not apply to the medically handicapped children's~~ 20852
~~medical advisory council hemophilia advisory subcommittee, and the~~ 20853
~~subcommittee shall not expire under that section.~~ 20854

Sec. 3701.141. (A) There is hereby created in the department 20855
of health the ~~office of women's health initiatives~~ program, 20856
~~consisting of the chief of the office and an administrative~~ 20857
~~assistant. To the extent of available funds, other positions~~ 20858
~~determined necessary and relevant by the director of health may be~~ 20859
~~added. The administrative assistant and all other employees~~ 20860
~~assigned to the office shall report to the chief and the chief to~~ 20861
~~the director or the deputy specified by the director.~~ 20862

(B) To the extent funds are available, the ~~office of women's~~ 20863
health ~~initiatives~~ program shall: 20864

(1) Identify, review, and assist the director in the 20865
coordination of programs and resources the department of health is 20866
committing to women's health concerns, including the department's 20867
women's and infants' program activities; 20868

(2) Advocate for women's health by requesting that the 20869
department conduct, sponsor, encourage, or fund research; 20870
establish additional programs regarding women's health concerns as 20871
needed; and monitor the research and program efforts; 20872

(3) Collect, classify, and store relevant research conducted 20873
by the department or other entities, and provide, unless otherwise 20874
prohibited by law, interested persons access to research results; 20875

(4) ~~Generate~~ Apply for grant ~~activities~~ opportunities. 20876

~~(C) Prior to the director's report to the governor on the~~ 20877
~~department's biennial budget request, the office of women's health~~ 20878
~~initiatives shall submit in writing to the director of health a~~ 20879
~~biennial report of recommended programs, projects, and research to~~ 20880

~~address critical issues in women's health.~~ 20881

Sec. 3701.78. (A) There is hereby created the commission on 20882
minority health, consisting of eighteen members. The governor 20883
shall appoint to the commission nine members from among health 20884
researchers, health planners, and health professionals. The 20885
speaker of the house of representatives shall appoint to the 20886
commission two members of the house of representatives, not more 20887
than one of whom is a member of the same political party, and the 20888
president of the senate shall appoint to the commission two 20889
members of the senate, not more than one of whom is a member of 20890
the same political party. The directors of health, mental health, 20891
mental retardation and developmental disabilities, and job and 20892
family services, or their designees, and the superintendent of 20893
public instruction, or the superintendent's designee, shall be 20894
members of the commission. The commission shall elect a 20895
chairperson from among its members. Of the members appointed by 20896
the governor, five shall be appointed to initial terms of one 20897
year, and four shall be appointed to initial terms of two years. 20898
Thereafter, all members appointed by the governor shall be 20899
appointed to terms of two years. All members of the commission 20900
appointed by the speaker of the house of representatives or the 20901
president of the senate shall be nonvoting members of the 20902
commission and be appointed within thirty days after the 20903
commencement of the first regular session of each general 20904
assembly, and shall serve until the expiration of the session of 20905
the general assembly during which they were appointed. Members of 20906
the commission shall serve without compensation, but shall be 20907
reimbursed for the actual and necessary expenses they incur in the 20908
performance of their official duties. 20909

(B)(1) The commission shall promote health and the prevention 20910
of disease among members of minority groups. Each year the 20911
commission shall distribute grants from available funds to 20912

community-based health groups to be used to promote health and the 20913
prevention of disease among members of minority groups. As used in 20914
~~this~~ division (B) of this section, "minority group" means any of 20915
the following economically disadvantaged groups: Blacks, American 20916
Indians, Hispanics, and Orientals. The commission shall adopt and 20917
maintain rules pursuant to Chapter 119. of the Revised Code to 20918
provide for the distribution of these grants. No group shall 20919
qualify to receive a grant from the commission unless it receives 20920
at least twenty per cent of its funds from sources other than 20921
grants distributed under this section. 20922

(2) The commission shall implement an African-American males 20923
program. Pursuant to this program, the commission shall do all of 20924
the following: 20925

(a) Oversee and supervise four separate and distinct 20926
subcommittees devoted to solving problems and advancing 20927
recommendations exclusively pertinent to black males in the areas 20928
of unemployment, criminal justice, education, and health; 20929

(b) Conduct research to determine the nature and extent of 20930
the problems concerning black males in the four areas targeted in 20931
division (B)(2)(a) of this section; 20932

(c) Hold public hearings for the purpose of collecting data; 20933

(d) Identify existing federal, state, and local programs that 20934
address problems and solutions relevant to the four targeted areas 20935
of study; 20936

(e) Implement appropriate new programs and demonstration 20937
projects especially designed for black males; 20938

(f) Develop and implement community education and public 20939
awareness programs especially designed for black males; 20940

(g) Develop strategies to improve the social condition of 20941
black males; 20942

(h) Report to the governor, the general assembly, the auditor of state, the secretary of state, the attorney general, and the chief justice of the Ohio supreme court at least biennially on the activities, findings, and recommendations of the commission; 20943
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(i) Accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's powers or duties under the program. Such funds shall be deposited in the commission on African-American males program fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission under division (B)(2)(i) of this section, when appropriated to the commission, shall be used solely to support the operation of the program. 20947
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(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission. 20957
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(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section. 20961
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(E) The chairperson of the commission may appoint any number of individuals to serve on the subcommittees created in division (B)(2)(a) of this section. Members of subcommittees serve at the discretion of the chairperson. 20967
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Sec. 3702.31. (A) The quality monitoring and inspection fund is hereby created in the state treasury. The director of health 20971
20972

shall use the fund to administer and enforce this section and 20973
sections 3702.11 to 3702.20, 3702.30, and 3702.32 of the Revised 20974
Code and rules adopted pursuant to those sections. The director 20975
shall deposit in the fund any moneys collected pursuant to this 20976
section or section 3702.32 of the Revised Code. All investment 20977
earnings of the fund shall be credited to the fund. 20978

(B) The director of health shall adopt rules pursuant to 20979
Chapter 119. of the Revised Code establishing fees for both of the 20980
following: 20981

(1) Initial and renewal license applications submitted under 20982
section 3702.30 of the Revised Code. The fees established under 20983
division (B)(1) of this section shall not exceed the actual and 20984
necessary costs of performing the activities described in division 20985
(A) of this section. 20986

(2) Inspections conducted under section 3702.15 or 3702.30 of 20987
the Revised Code. The fees established under division (B)(2) of 20988
this section shall not exceed the actual and necessary costs 20989
incurred during an inspection, including any indirect costs 20990
incurred by the department for staff, salary, or other 20991
administrative costs. The director of health shall provide to each 20992
health care facility or provider inspected pursuant to section 20993
3702.15 or 3702.30 of the Revised Code a written statement of the 20994
fee. The statement shall itemize and total the costs incurred. 20995
Within fifteen days after receiving a statement from the director, 20996
the facility or provider shall forward the total amount of the fee 20997
to the director. 20998

(3) The fees described in divisions (B)(1) and (2) of this 20999
section shall meet both of the following requirements: 21000

(a) For each service described in section 3702.11 of the 21001
Revised Code, the fee shall not exceed one thousand ~~two~~ seven 21002
hundred fifty dollars annually, except that the total fees charged 21003

to a health care provider under this section shall not exceed five 21004
thousand dollars annually. 21005

(b) The fee shall exclude any costs reimbursable by the 21006
United States health care financing administration as part of the 21007
certification process for the medicare program established under 21008
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 21009
U.S.C.A. 301, as amended, and the medicaid program established 21010
under Title XIX of that act. 21011

(4) The director shall not establish a fee for any service 21012
for which a licensure or inspection fee is paid by the health care 21013
provider to a state agency for the same or similar licensure or 21014
inspection. 21015

Sec. 3702.63. As specified in former Section 11 of Am. Sub. 21016
S.B. 50 of the 121st general assembly, as amended by Am. Sub. H.B. 21017
405 of the 124th general assembly, all of the following apply: 21018

(A) The removal of former divisions (E) and (F) of section 21019
3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 21020
50 of the 121st general assembly does not release the holders of 21021
certificates of need issued under those divisions from complying 21022
with any conditions on which the granting of the certificates of 21023
need was based, including the requirement of former division 21024
(E)(6) of that section that the holders not enter into provider 21025
agreements under Chapter 5111. of the Revised Code and Title XIX 21026
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 21027
as amended, for at least ten years following initial licensure of 21028
the long-term care facilities for which the certificates were 21029
granted. 21030

(B) The repeal of section 3702.55 of the Revised Code by 21031
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 21032
not release the holders of certificates of need issued under that 21033
section from complying with any conditions on which the granting 21034

of the certificates of need was based, other than the requirement 21035
of division (A)(6) of that section that the holders not seek 21036
certification under Title XVIII of the "Social Security Act" for 21037
beds recategorized under the certificates. That repeal also does 21038
not eliminate the requirement that the director of health revoke 21039
the licensure of the beds under Chapter 3721. of the Revised Code 21040
if a person to which their ownership is transferred fails, as 21041
required by division (A)(6) of the repealed section, to file 21042
within ten days after the transfer a sworn statement not to seek 21043
certification under Title XIX of the "Social Security Act" for 21044
beds recategorized under the certificates of need. 21045

(C) The repeal of section 3702.56 of the Revised Code by 21046
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 21047
not release the holders of certificates of need issued under that 21048
section from complying with any conditions on which the granting 21049
of the certificates of need was based. 21050

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 21051
of the Revised Code, this section applies to the review of 21052
certificate of need applications during the period beginning July 21053
1, 1993, and ending June 30, ~~2003~~ 2005. 21054

(B)(1) Except as provided in division (B)(2) of this section, 21055
the director of health shall neither grant nor deny any 21056
application for a certificate of need submitted prior to July 1, 21057
1993, if the application was for any of the following and the 21058
director had not issued a written decision concerning the 21059
application prior to that date: 21060

(a) Approval of beds in a new health care facility or an 21061
increase of beds in an existing health care facility, if the beds 21062
are proposed to be licensed as nursing home beds under Chapter 21063
3721. of the Revised Code; 21064

(b) Approval of beds in a new county home or new county 21065

nursing home as defined in section 5155.31 of the Revised Code, or 21066
an increase of beds in an existing county home or existing county 21067
nursing home, if the beds are proposed to be certified as skilled 21068
nursing facility beds under Title XVIII or nursing facility beds 21069
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 21070
42 U.S.C.A. 301, as amended; 21071

(c) Recategorization of hospital beds as described in section 21072
3702.522 of the Revised Code, an increase of hospital beds 21073
registered pursuant to section 3701.07 of the Revised Code as 21074
long-term care beds or skilled nursing facility beds, or a 21075
recategorization of hospital beds that would result in an increase 21076
of beds registered pursuant to that section as long-term care beds 21077
or skilled nursing facility beds. 21078

On July 1, 1993, the director shall return each such 21079
application to the applicant and, notwithstanding section 3702.52 21080
of the Revised Code regarding the uses of the certificate of need 21081
fund, shall refund to the applicant the application fee paid under 21082
that section. Applications returned under division (B)(1) of this 21083
section may be resubmitted in accordance with section 3702.52 of 21084
the Revised Code no sooner than July 1, ~~2003~~ 2005. 21085

(2) The director shall continue to review and shall issue a 21086
decision regarding any application submitted prior to July 1, 21087
1993, to increase beds for either of the purposes described in 21088
division (B)(1)(a) or (b) of this section if the proposed increase 21089
in beds is attributable solely to a replacement or relocation of 21090
existing beds within the same county. The director shall authorize 21091
under such an application no additional beds beyond those being 21092
replaced or relocated. 21093

(C)(1) Except as provided in division (C)(2) of this section, 21094
the director, during the period beginning July 1, 1993, and ending 21095
June 30, ~~2003~~ 2005, shall not accept for review under section 21096
3702.52 of the Revised Code any application for a certificate of 21097

need for any of the purposes described in divisions (B)(1)(a) to 21098
(c) of this section. 21099

(2) The director shall accept for review any application for 21100
either of the purposes described in division (B)(1)(a) or (b) of 21101
this section if the proposed increase in beds is attributable 21102
solely to a replacement or relocation of existing beds within the 21103
same county. The director shall authorize under such an 21104
application no additional beds beyond those being replaced or 21105
relocated. The director also shall accept for review any 21106
application that seeks certificate of need approval for existing 21107
beds located in an infirmary that is operated exclusively by a 21108
religious order, provides care exclusively to members of religious 21109
orders who take vows of celibacy and live by virtue of their vows 21110
within the orders as if related, and was providing care 21111
exclusively to members of such a religious order on January 1, 21112
1994. 21113

(D) The director shall issue a decision regarding any case 21114
remanded by a court as the result of a decision issued by the 21115
director prior to July 1, 1993, to grant, deny, or withdraw a 21116
certificate of need for any of the purposes described in divisions 21117
(B)(1)(a) to (c) of this section. 21118

(E) The director shall not project the need for beds listed 21119
in division (B)(1) of this section for the period beginning July 21120
1, 1993, and ending June 30, ~~2003~~ 2005. 21121

This section is an interim section effective until July 1, 21122
~~2003~~ 2005. 21123

Sec. 3702.74. (A) A primary care physician who has signed a 21124
letter of intent under section 3702.73 of the Revised Code, the 21125
director of health, and the Ohio board of regents may enter into a 21126
contract for the physician's participation in the physician loan 21127
repayment program. A lending institution may also be a party to 21128

the contract. 21129

(B) The contract shall include all of the following 21130
obligations: 21131

(1) The primary care physician agrees to provide primary care 21132
services in the health resource shortage area identified in the 21133
letter of intent for at least two years or one year per twenty 21134
thousand dollars of repayment agreed to under division (B)(3) of 21135
this section, whichever is greater; 21136

(2) When providing primary care services in the health 21137
resource shortage area, the primary care physician agrees to do 21138
all of the following: 21139

(a) Provide primary care services for a minimum of forty 21140
hours per week; 21141

(b) Provide primary care services without regard to a 21142
patient's ability to pay; 21143

(c) Meet the conditions prescribed by the "Social Security 21144
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 21145
department of job and family services for participation in the 21146
medical assistance program established under Chapter 5111. of the 21147
Revised Code and enter into a contract with the department to 21148
provide primary care services to recipients of the medical 21149
assistance program; 21150

(d) Meet the conditions established by the department of job 21151
and family services for participation in the disability ~~assistance~~ 21152
medical assistance program established under Chapter 5115. of the 21153
Revised Code and enter into a contract with the department to 21154
provide primary care services to recipients of disability medical 21155
assistance. 21156

(3) The Ohio board of regents agrees, as provided in section 21157
3702.75 of the Revised Code, to repay, so long as the primary care 21158

physician performs the service obligation agreed to under division 21159
(B)(1) of this section, all or part of the principal and interest 21160
of a government or other educational loan taken by the primary 21161
care physician for expenses described in section 3702.75 of the 21162
Revised Code; 21163

(4) The primary care physician agrees to pay the board the 21164
following as damages if the physician fails to complete the 21165
service obligation agreed to under division (B)(1) of this 21166
section: 21167

(a) If the failure occurs during the first two years of the 21168
service obligation, three times the total amount the board has 21169
agreed to repay under division (B)(3) of this section; 21170

(b) If the failure occurs after the first two years of the 21171
service obligation, three times the amount the board is still 21172
obligated to repay under division (B)(3) of this section. 21173

(C) The contract may include any other terms agreed upon by 21174
the parties, including an assignment to the Ohio board of regents 21175
of the physician's duty to pay the principal and interest of a 21176
government or other educational loan taken by the physician for 21177
expenses described in section 3702.75 of the Revised Code. If the 21178
board assumes the physician's duty to pay a loan, the contract 21179
shall set forth the total amount of principal and interest to be 21180
paid, an amortization schedule, and the amount of each payment to 21181
be made under the schedule. 21182

Sec. 3705.23. (A)(1) Except as otherwise provided in this 21183
section, the director of health, the state registrar, or a local 21184
registrar, on receipt of a signed application and the fee 21185
specified in section 3705.24 of the Revised Code, shall issue a 21186
certified copy of a vital record, or of a part of a vital record, 21187
in the director's or registrar's custody to any applicant, unless 21188
the vital record has ceased to be a public record pursuant to 21189

section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 21190
The certified copy shall show the date the vital record was 21191
registered by the local registrar. 21192

(2) A certified copy of a vital record may be made by a 21193
mechanical, electronic, or other reproduction process. It shall be 21194
certified as a true copy by the director, state registrar, or 21195
local registrar who has custody of the record and shall include 21196
the date of issuance, the name of the issuing officer, the 21197
signature of the officer or an authorized facsimile of the 21198
signature, and the seal of the issuing office. 21199

(3) A certified copy of a vital record or of any part of a 21200
vital record, issued in accordance with this section, shall be 21201
considered for all purposes the same as the original and shall be 21202
prima-facie evidence of the facts stated in it in all courts and 21203
places. 21204

(4)(a) Information contained in the "information for medical 21205
and health use only" section of a birth record shall not be 21206
included as part of a certified copy of the birth record unless 21207
the information specifically is requested by the individual to 21208
whose birth the record attests, either of the individual's parents 21209
or the individual's guardian, a lineal descendant, or an official 21210
of the federal or state government or of a political subdivision 21211
of the state charged by law with detecting or prosecuting crime. 21212

(b) Except as provided in division (A)(4)(a) of this section, 21213
neither the office of vital statistics nor a local registrar shall 21214
disclose information contained in the "information for medical and 21215
health use only" section of a birth record unless a court, for 21216
good cause shown, orders disclosure of the information or the 21217
state registrar specifically authorizes release of the information 21218
for statistical or research purposes under conditions the state 21219
registrar, subject to the approval of the director of health, 21220
shall establish by rule. 21221

(B)(1) Unless the applicant specifically requests a certified 21222
copy, the director, the state registrar, or a local registrar, on 21223
receipt of a signed application for a birth record and the fee 21224
specified in section 3705.24 of the Revised Code, may issue a 21225
certification of birth, and the certification of birth shall 21226
contain at least the name, sex, date of birth, registration date, 21227
and place of birth of the person to whose birth the record attests 21228
and shall attest that the person's birth has been registered. A 21229
certification of birth shall be prima-facie evidence of the facts 21230
stated in it in all courts and places. 21231

(2) The director or the state registrar, on the receipt of a 21232
signed application for an heirloom certification of birth and the 21233
fee specified in section 3705.24 of the Revised Code, may issue an 21234
heirloom certification of birth. The director shall prescribe by 21235
rule guidelines for the form of an heirloom certification of 21236
birth, and the guidelines shall require the heirloom certification 21237
of birth to contain at least the name, sex, date of birth, 21238
registration date, and place of birth of the person to whose birth 21239
the record attests and to attest that the person's birth has been 21240
registered. An heirloom certification of birth shall be 21241
prima-facie evidence of the facts stated in it in all courts and 21242
places. 21243

(C) On evidence that a birth certificate was registered 21244
through misrepresentation or fraud, the state registrar may 21245
withhold the issuance of a certified copy of the birth record or a 21246
certification of birth until a court makes a determination that no 21247
misrepresentation or fraud occurred. 21248

~~(D) Except as provided in division (A)(4)(b) of this section,~~ 21249
~~the state registrar and a local registrar, on request, shall~~ 21250
~~provide uncertified copies of vital records in accordance with~~ 21251
~~section 149.43 of the Revised Code.~~ 21252

~~Sec. 3705.24. (A) Except as otherwise provided in this 21253
division or division (C) of this section, the fee for a certified 21254
copy of a vital record or for a certification of birth shall be 21255
seven dollars plus any fee required by section 3109.14 of the 21256
Revised Code. Except as provided in section 3705.241 of the 21257
Revised Code, the fee for a certified copy of a vital record or 21258
for a certification of birth issued by the office of vital 21259
statistics shall be an amount prescribed by the public health 21260
council plus any fee required by section 3109.14 of the Revised 21261
Code. The fee for a certified copy of a vital record or for a 21262
certification of birth issued by a health district shall be an 21263
amount prescribed in accordance with section 3709.09 of the 21264
Revised Code plus any fee required by section 3109.14 of the 21265
Revised Code. No certified copy of a vital record or certification 21266
of birth shall be issued without payment of the fee unless 21267
otherwise specified by statute. 21268~~

~~For a special search of the files and records to determine a 21269
date or place contained in a record on file, the office of vital 21270
statistics shall charge a fee of three dollars for each hour or 21271
fractional part of an hour required for the search. 21272~~

~~(B)(1) The public health council shall, in accordance with 21273
section 111.15 of the Revised Code, adopt rules prescribing fees 21274
for the following services provided by the state office of vital 21275
statistics: 21276~~

~~(a) Except as provided in division (A)(4) of this section: 21277~~

~~(i) A certified copy of a vital record or a certification of 21278
birth; 21279~~

~~(ii) A search by the office of vital statistics of its files 21280
and records pursuant to a request for information, regardless of 21281
whether a copy of a record is provided; 21282~~

<u>(iii) A copy of a record provided pursuant to a request;</u>	21283
<u>(b) Replacement of a birth certificate following an adoption,</u>	21284
<u>legitimation, paternity determination or acknowledgement, or court</u>	21285
<u>order;</u>	21286
<u>(c) Filing of a delayed registration of a vital record;</u>	21287
<u>(d) Amendment of a vital record that is requested later than</u>	21288
<u>one year after the filing date of the vital record;</u>	21289
<u>(e) Any other documents or services for which the public</u>	21290
<u>health council considers the charging of a fee appropriate.</u>	21291
<u>(2) Fees prescribed under division (A)(1)(a) of this section</u>	21292
<u>shall not be less than seven dollars.</u>	21293
<u>(3) Fees prescribed under division (A)(1) of this section</u>	21294
<u>shall be collected in addition to any fee required by section</u>	21295
<u>3109.14 of the Revised Code.</u>	21296
<u>(4) Fees prescribed under division (A) of this section shall</u>	21297
<u>not apply to certifications issued under division (H) of this</u>	21298
<u>section or copies provided under section 3705.241 of the Revised</u>	21299
<u>Code.</u>	21300
<u>(B) In addition to the fees prescribed under division (A) of</u>	21301
<u>this section or section 3709.09 of the Revised Code, the office of</u>	21302
<u>vital statistics or the board of health of a city or general</u>	21303
<u>health district shall charge a five-dollar fee for each certified</u>	21304
<u>copy of a vital record and each certification of birth. This fee</u>	21305
<u>shall be deposited in the general operations fund created under</u>	21306
<u>section 3701.83 of the Revised Code and be used solely toward the</u>	21307
<u>modernization and automation of the system of vital records in</u>	21308
<u>this state. A board of health shall forward all fees collected</u>	21309
<u>under this division to the department of health not later than</u>	21310
<u>thirty days after the end of each calendar quarter.</u>	21311
<u>(C) Except as otherwise provided in division (G)(H) of this</u>	21312

section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. ~~Money~~ Except as provided in division (B) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

~~(C)~~(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health district where the local registrar is a salaried employee of the district, shall be entitled to a fee for each birth, fetal death, death, or military service certificate properly and completely made out and registered with the local registrar or district and correctly copied and forwarded to the office of vital statistics in accordance with the population of the primary registration district at the last federal census. The fee for each birth, fetal death, death, or military service certificate shall be:

(1) In primary registration districts of over two hundred fifty thousand, twenty cents;	21344 21345
(2) In primary registration districts of over one hundred twenty-five thousand and less than two hundred fifty thousand, sixty cents;	21346 21347 21348
(3) In primary registration districts of over fifty thousand and less than one hundred twenty-five thousand, eighty cents;	21349 21350
(4) In primary registration districts of less than fifty thousand, one dollar.	21351 21352
(D) <u>(E)</u> The director of health shall annually certify to the county treasurers of the several counties the number of birth, fetal death, death, and military service certificates registered from their respective counties with the names of the local registrars and the amounts due each registrar and health district at the rates fixed in this section. Such amounts shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this chapter and section 3109.14 of the Revised Code.	21353 21354 21355 21356 21357 21358 21359 21360 21361 21362
(E) <u>(F)</u> A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the department of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license.	21363 21364 21365 21366 21367 21368
(F) <u>(G)</u> The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in	21369 21370 21371 21372 21373 21374

these cases. 21375

~~(G)~~(H) The fee for an heirloom certification of birth issued 21376
pursuant to division (B)(2) of section 3705.23 of the Revised Code 21377
shall be an amount prescribed by rule by the director of health 21378
plus any fee required by section 3109.14 of the Revised Code. In 21379
setting the amount of the fee, the director shall establish a 21380
surcharge in addition to an amount necessary to offset the expense 21381
of processing heirloom certifications of birth. The fee prescribed 21382
by the director of health pursuant to this division shall be 21383
deposited into the state treasury to the credit of the heirloom 21384
certification of birth fund which is hereby created. Money 21385
credited to the fund shall be used by the office of vital 21386
statistics to offset the expense of processing heirloom 21387
certifications of birth. However, the money collected for the 21388
surcharge, subject to the approval of the controlling board, shall 21389
be used for the purposes specified by the family and children 21390
first council pursuant to section 121.37 of the Revised Code. 21391

Sec. 3709.09. (A) The board of health of a city or general 21392
health district may, by rule, establish a uniform system of fees 21393
to pay the costs of any services provided by the board. ~~Fees~~ 21394

The fee for issuance of a certified copy of a vital record or 21395
a certification of birth shall not be less than the fee prescribed 21396
for the same service under division (A)(1) of section 3705.24 of 21397
the Revised Code and shall include the fees required by division 21398
(B) of section 3705.24 and section 3109.14 of the Revised Code. 21399

Fees for services provided by the board for purposes 21400
specified in sections 3701.344, 3711.05, 3730.03, 3733.04, 21401
3733.25, and 3749.04 of the Revised Code shall be established in 21402
accordance with rules adopted under division (B) of this section. 21403
The district advisory council, in the case of a general health 21404
district, and the legislative authority of the city, in the case 21405

of a city health district, may disapprove any fee established by 21406
the board of health under this division, and any such fee, as 21407
disapproved, shall not be charged by the board of health. 21408

(B) The public health council shall adopt rules under section 21409
111.15 of the Revised Code that establish fee categories and 21410
uniform methodologies for use in calculating the costs of services 21411
provided for purposes specified in sections 3701.344, 3711.05, 21412
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code. In 21413
adopting the rules, the public health council shall consider 21414
recommendations it receives from advisory boards established 21415
either by statute or the director of health for entities subject 21416
to the fees. 21417

(C) At least thirty days prior to establishing a fee for a 21418
service provided by the board for a purpose specified in section 21419
3701.344, 3711.05, 3730.03, 3733.04, 3733.25, or 3749.04 of the 21420
Revised Code, a board of health shall notify any entity that would 21421
be affected by the proposed fee of the amount of the proposed fee. 21422

Sec. 3710.05. (A) Except as otherwise provided in this 21423
chapter, no person shall engage in any asbestos hazard abatement 21424
activities in this state unless licensed or certified pursuant to 21425
this chapter. 21426

(B) To apply for licensure as an asbestos abatement 21427
contractor or certification as an asbestos hazard abatement 21428
specialist, an asbestos hazard evaluation specialist, an asbestos 21429
hazard abatement project designer, or an asbestos hazard abatement 21430
air-monitoring technician, a person shall do all of the following: 21431

(1) Submit a completed application to the department of 21432
health, on a form provided by the department; 21433

(2) Pay the requisite fee as provided in division (D) of this 21434
section; 21435

(3) Submit any other information the public health council by rule requires.	21436 21437
(C) The application form for a business entity or public entity applying for an asbestos hazard abatement contractor's license shall include all of the following:	21438 21439 21440
(1) A description of the protective clothing and respirators that the public entity will use to comply with rules adopted by the public health council and that the business entity will use to comply with requirements of the United States occupational safety and health administration;	21441 21442 21443 21444 21445
(2) A description of procedures the business entity or public entity will use for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public health from the hazards associated with exposure to asbestos;	21446 21447 21448 21449 21450
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	21451 21452
(4) A description of the site decontamination procedures that the business entity or public entity will use;	21453 21454
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	21455 21456
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	21457 21458
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	21459 21460 21461 21462
(8) A description of the final clean-up procedures that the business entity or public entity will use;	21463 21464
(9) A list of all partners, owners, and officers of the	21465

business entity along with their social security numbers;	21466
(10) The federal tax identification number of the business entity or the public entity.	21467 21468
(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	21469 21470 21471 21472
(1) Five <u>Seven</u> hundred fifty dollars for asbestos hazard abatement contractors;	21474 21475
(2) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement project designers;	21476 21477
(3) Twenty-five <u>Fifty</u> dollars for asbestos hazard abatement workers;	21478 21479
(4) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement specialists;	21480 21481
(5) One <u>Two</u> hundred twenty-five dollars for asbestos hazard evaluation specialists; and	21482 21483
(6) Seven <u>Nine</u> hundred fifty dollars for approval or renewal of asbestos hazard training providers.	21484 21485
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity meet the requirements of this chapter.	21486 21487 21488 21489 21490 21491 21492 21493 21494

Sec. 3711.021. For the purposes of this chapter, a maternity hospital or lying-in hospital includes a limited maternity unit, which is a unit in a hospital that contains no other maternity unit, in which care is provided during all or part of the maternity cycle and newborns receive care in a private room serving all antepartum, labor, delivery, recovery, postpartum, and nursery needs.

The director of health may charge a maternity hospital or lying-in hospital seeking an initial or renewal license under this chapter a fee not exceeding the following:

(A) ~~Three~~ Four thousand ~~eight hundred fifty~~ forty-two dollars for a hospital in which not less than two thousand births occurred the previous calendar year;

(B) Three thousand ~~three~~ five hundred ~~fifty~~ seventeen dollars for a hospital in which not more than one thousand nine hundred ninety-nine and not less than one thousand births occurred the previous calendar year;

(C) Two thousand ~~eight~~ nine hundred ~~fifty~~ ninety-two dollars for a hospital in which not more than nine hundred ninety-nine and not less than six hundred fifty births occurred the previous calendar year;

(D) Two thousand ~~three~~ four hundred ~~fifty~~ sixty-seven dollars for a hospital in which not more than six hundred forty-nine and not less than four hundred fifty births occurred the previous calendar year;

(E) One thousand ~~eight~~ nine hundred ~~fifty~~ forty-two dollars for a hospital in which not more than four hundred forty-nine births and not less than one hundred births occurred the previous calendar year;

(F) One thousand ~~three~~ four hundred ~~fifty~~ seventeen dollars

for a hospital in which not more than ninety-nine births occurred 21525
the previous calendar year. 21526

The director shall deposit all fees collected under this 21527
section into the general operations fund created under section 21528
3701.83 of the Revised Code. Money generated by the fees shall be 21529
used only for administration and enforcement of this chapter and 21530
rules adopted under it. 21531

Sec. 3721.02. (A) The director of health shall license homes 21532
and establish procedures to be followed in inspecting and 21533
licensing homes. The director may inspect a home at any time. Each 21534
home shall be inspected by the director at least once prior to the 21535
issuance of a license and at least once every fifteen months 21536
thereafter. The state fire marshal or a township, municipal, or 21537
other legally constituted fire department approved by the marshal 21538
shall also inspect a home prior to issuance of a license, at least 21539
once every fifteen months thereafter, and at any other time 21540
requested by the director. A home does not have to be inspected 21541
prior to issuance of a license by the director, state fire 21542
marshal, or a fire department if ownership of the home is assigned 21543
or transferred to a different person and the home was licensed 21544
under this chapter immediately prior to the assignment or 21545
transfer. The director may enter at any time, for the purposes of 21546
investigation, any institution, residence, facility, or other 21547
structure that has been reported to the director or that the 21548
director has reasonable cause to believe is operating as a nursing 21549
home, residential care facility, or home for the aging without a 21550
valid license required by section 3721.05 of the Revised Code or, 21551
in the case of a county home or district home, is operating 21552
despite the revocation of its residential care facility license. 21553
The director may delegate the director's authority and duties 21554
under this chapter to any division, bureau, agency, or official of 21555
the department of health. 21556

(B) A single facility may be licensed both as a nursing home 21557
pursuant to this chapter and as an adult care facility pursuant to 21558
Chapter 3722. of the Revised Code if the director determines that 21559
the part or unit to be licensed as a nursing home can be 21560
maintained separate and discrete from the part or unit to be 21561
licensed as an adult care facility. 21562

(C) In determining the number of residents in a home for the 21563
purpose of licensing, the director shall consider all the 21564
individuals for whom the home provides accommodations as one group 21565
unless one of the following is the case: 21566

(1) The home is a home for the aging, in which case all the 21567
individuals in the part or unit licensed as a nursing home shall 21568
be considered as one group, and all the individuals in the part or 21569
unit licensed as a rest home shall be considered as another group. 21570

(2) The home is both a nursing home and an adult care 21571
facility. In that case, all the individuals in the part or unit 21572
licensed as a nursing home shall be considered as one group, and 21573
all the individuals in the part or unit licensed as an adult care 21574
facility shall be considered as another group. 21575

(3) The home maintains, in addition to a nursing home or 21576
residential care facility, a separate and discrete part or unit 21577
that provides accommodations to individuals who do not require or 21578
receive skilled nursing care and do not receive personal care 21579
services from the home, in which case the individuals in the 21580
separate and discrete part or unit shall not be considered in 21581
determining the number of residents in the home if the separate 21582
and discrete part or unit is in compliance with the Ohio basic 21583
building code established by the board of building standards under 21584
Chapters 3781. and 3791. of the Revised Code and the home permits 21585
the director, on request, to inspect the separate and discrete 21586
part or unit and speak with the individuals residing there, if 21587

they consent, to determine whether the separate and discrete part 21588
or unit meets the requirements of this division. 21589

(D) The director of health shall charge an application fee 21590
and an annual renewal licensing and inspection fee of one hundred 21591
five dollars for each fifty persons or part thereof of a home's 21592
licensed capacity. All fees collected by the director for the 21593
issuance or renewal of licenses shall be deposited into the state 21594
treasury to the credit of the general operations fund created in 21595
section 3701.83 of the Revised Code for use only in administering 21596
and enforcing this chapter and rules adopted under it. 21597

(E)(1) Except as otherwise provided in this section, the 21598
results of an inspection or investigation of a home that is 21599
conducted under this section, including any statement of 21600
deficiencies and all findings and deficiencies cited in the 21601
statement on the basis of the inspection or investigation, shall 21602
be used solely to determine the home's compliance with this 21603
chapter or another chapter of the Revised Code in any action or 21604
proceeding other than an action commenced under division (I) of 21605
section 3721.17 of the Revised Code. Those results of an 21606
inspection or investigation, that statement of deficiencies, and 21607
the findings and deficiencies cited in that statement shall not be 21608
used in any court or in any action or proceeding that is pending 21609
in any court and are not admissible in evidence in any action or 21610
proceeding unless that action or proceeding is an appeal of an 21611
action by the department of health under this chapter or is an 21612
action by any department or agency of the state to enforce this 21613
chapter or another chapter of the Revised Code. 21614

(2) Nothing in division (E)(1) of this section prohibits the 21615
results of an inspection or investigation conducted under this 21616
section from being used in a criminal investigation or 21617
prosecution. 21618

Sec. 3721.19. (A) As used in this section: 21619

(1) "Home" and "residential care facility" have the same 21620
meanings as in section 3721.01 of the Revised Code; 21621

(2) "Sponsor" and "residents' rights advocate" have the same 21622
meanings as in section 3721.10 of the Revised Code. 21623

A home licensed under this chapter that is not a party to a 21624
provider agreement, as defined in section 5111.20 of the Revised 21625
Code, shall provide each prospective resident, before admission, 21626
with the following information, orally and in a separate written 21627
notice on which is printed in a conspicuous manner: "This home is 21628
not a participant in the medical assistance program administered 21629
by the Ohio department of job and family services. Consequently, 21630
you may be discharged from this home if you are unable to pay for 21631
the services provided by this home." 21632

If the prospective resident has a sponsor whose identity is 21633
made known to the home, the home shall also inform the sponsor, 21634
before admission of the resident, of the home's status relative to 21635
the medical assistance program. Written acknowledgement of the 21636
receipt of the information shall be provided by the resident and, 21637
if the prospective resident has a sponsor who has been identified 21638
to the home, by the sponsor. The written acknowledgement shall be 21639
made part of the resident's record by the home. 21640

No home shall terminate its status as a provider under the 21641
medical assistance program unless it has complied with section 21642
5111.66 of the Revised Code and, at least ninety days prior to 21643
such termination, provided written notice to the ~~department of job~~ 21644
~~and family services and~~ residents of the home and their sponsors 21645
of such action. This requirement shall not apply in cases where 21646
the department of job and family services terminates a home's 21647
provider agreement or provider status. 21648

(B) A home licensed under this chapter as a residential care facility shall provide notice to each prospective resident or the individual's sponsor of the services offered by the facility and the types of skilled nursing care that the facility may provide. A residential care facility that, pursuant to section 3721.012 of the Revised Code, has a policy of entering into risk agreements with residents or their sponsors shall provide each prospective resident or the individual's sponsor a written explanation of the policy and the provisions that may be contained in a risk agreement. At the time the information is provided, the facility shall obtain a statement signed by the individual receiving the information acknowledging that the individual received the information. The facility shall maintain on file the individual's signed statement.

(C) A resident has a cause of action against a home for breach of any duty imposed by this section. The action may be commenced by the resident, or on the resident's behalf by the resident's sponsor or a residents' rights advocate, by the filing of a civil action in the court of common pleas of the county in which the home is located, or in the court of common pleas of Franklin county.

If the court finds that a breach of any duty imposed by this section has occurred, the court shall enjoin the home from discharging the resident from the home until arrangements satisfactory to the court are made for the orderly transfer of the resident to another mode of health care including, but not limited to, another home, and may award the resident and a person or public agency that brings an action on behalf of a resident reasonable attorney's fees. If a home discharges a resident to whom or to whose sponsor information concerning its status relative to the medical assistance program was not provided as required under this section, the court shall grant any appropriate

relief including, but not limited to, actual damages, reasonable attorney's fees, and costs. 21681
21682

Sec. 3727.17. Each hospital shall provide a staff person to do all of the following: 21683
21684

(A) Meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours after the birth or before the mother is released from the hospital; 21685
21686
21687

(B) Attempt to meet with the father of the unmarried mother's child if possible; 21688
21689

(C) Explain to the unmarried mother and the father, if the father is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship; 21690
21691
21692
21693
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(D) Present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent prepared by the department of job and family services pursuant to section 3111.32 of the Revised Code; 21695
21696
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21698
21699

(E) Provide the unmarried mother, and if possible the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including the acknowledgment of paternity form prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code; 21700
21701
21702
21703
21704

(F) Explain to the mother and father the availability of immediate genetic testing at the hospital to establish the parent and child relationship and that the test is at no cost to the mother or father; 21705
21706
21707
21708

(G) Upon both the mother's and father's request, help the mother and father complete any specific form or statement 21709
21710

necessary to establish a parent and child relationship; 21711

~~(G)~~(H) Present to an unmarried mother who is not a recipient 21712
of medicaid or a participant in Ohio works first an application 21713
for Title IV-D services; 21714

~~(H)~~(I) Mail the voluntary acknowledgment of paternity, no 21715
later than ten days after it is completed, to the office of child 21716
support in the department of job and family services. 21717

Each hospital shall provide a notary public to notarize an 21718
acknowledgment of paternity signed by the mother and father. If a 21719
hospital knows or determines that a man is presumed under section 21720
3111.03 of the Revised Code to be the father of the child 21721
described in this section and that the presumed father is not the 21722
man who signed or is attempting to sign an acknowledgment with 21723
respect to the child, the hospital shall take no further action 21724
with regard to the acknowledgment and shall not mail the 21725
acknowledgment pursuant to this section. 21726

A hospital may contract with a person or government entity to 21727
fulfill its responsibilities under this section and sections 21728
3111.71 to 3111.74 of the Revised Code. Services provided by a 21729
hospital under this section or pursuant to a contract under 21730
sections 3111.71 and 3111.77 of the Revised Code do not constitute 21731
the practice of law. A hospital shall not be subject to criminal 21732
or civil liability for any damage or injury alleged to result from 21733
services provided pursuant to this section or sections 3111.71 to 21734
3111.74 of the Revised Code unless the hospital acted with 21735
malicious purpose, in bad faith, or in a wanton or reckless 21736
manner. 21737

Sec. 3733.43. (A) Except as otherwise provided in this 21738
division, prior to the fifteenth day of April in each year, every 21739
person who intends to operate an agricultural labor camp shall 21740
make application to the licenser for a license to operate such 21741

camp, effective for the calendar year in which it is issued. The 21742
licensor may accept an application on or after the fifteenth day 21743
of April. The license fees specified in this division shall be 21744
submitted to the licensor with the application for a license. No 21745
agricultural labor camp shall be operated in this state without a 21746
license. Any person operating an agricultural labor camp without a 21747
current and valid agricultural labor camp license is not excepted 21748
from compliance with sections 3733.41 to 3733.49 of the Revised 21749
Code by holding a valid and current hotel license. Each person 21750
proposing to open an agricultural labor camp shall submit with the 21751
application for a license any plans required by any rule adopted 21752
under section 3733.42 of the Revised Code. The annual license fee 21753
is ~~twenty~~ seventy-five dollars, unless the application for a 21754
license is made on or after the fifteenth day of April, in which 21755
case the annual license fee is ~~forty~~ one hundred dollars. An 21756
additional fee of ~~three~~ ten dollars per housing unit per year 21757
shall be assessed to defray the costs of enforcing sections 21758
3733.41 to 3733.49 of the Revised Code, unless the application for 21759
a license is made on or after the fifteenth day of April, in which 21760
case an additional fee of ~~six~~ fifteen dollars per housing unit 21761
shall be assessed. All fees collected under this division shall be 21762
deposited in the state treasury to the credit of the general 21763
operations fund created in section 3701.83 of the Revised Code and 21764
shall be used for the administration and enforcement of sections 21765
3733.41 to 3733.49 of the Revised Code and rules adopted 21766
thereunder. 21767

(B) Any license under this section may be denied, suspended, 21768
or revoked by the licensor for violation of sections 3733.41 to 21769
3733.49 of the Revised Code or the rules adopted thereunder. 21770
Unless there is an immediate serious public health hazard, no 21771
denial, suspension, or revocation of a license shall be made 21772
effective until the person operating the agricultural labor camp 21773
has been given notice in writing of the specific violations and a 21774

reasonable time to make corrections. When the licensor determines 21775
that an immediate serious public health hazard exists, ~~he~~ the 21776
licensor shall issue an order denying or suspending the license 21777
without a prior hearing. 21778

(C) All proceedings under this section are subject to Chapter 21779
119. of the Revised Code except as provided in section 3733.431 of 21780
the Revised Code. 21781

(D) Every occupant of an agricultural labor camp shall keep 21782
that part of the dwelling unit, and premises thereof, that ~~he~~ the 21783
occupant occupies and controls in a clean and sanitary condition. 21784

Sec. 3733.45. (A) The licensor shall inspect all agricultural 21785
labor camps and shall require compliance with sections 3733.41 to 21786
3733.49 of the Revised Code and the rules adopted thereunder prior 21787
to the issuance of a license. Upon receipt of a complaint from the 21788
migrant agricultural ~~ombudsman~~ ombudsperson or upon the basis of a 21789
licensor's own information that an agricultural labor camp is 21790
operating without a license, the licensor shall inspect the camp. 21791
If the camp is operating without a license, the licensor shall 21792
require the camp to comply with sections 3733.41 to 3733.49 of the 21793
Revised Code and the rules adopted under those sections. No 21794
license shall be issued unless results of water supply tests 21795
indicate that the water supply meets required standards or if any 21796
violations exist concerning sanitation, drainage, or habitability 21797
of housing units. 21798

(B) The licensor shall, upon issuance of each license, 21799
distribute posters containing the toll-free telephone number of 21800
the migrant agricultural ~~ombudsman~~ ombudsperson established in 21801
section 3733.49 of the Revised Code and information in English and 21802
Spanish describing the purpose of the ~~ombudsman's~~ ombudsperson's 21803
office, as provided in that section. The licensor shall provide at 21804
least two posters to the licensee, one for ~~his~~ the licensee's 21805

personal use and at least one that shall be posted in a 21806
conspicuous place within the camp. 21807

(C) The licensor may, upon proper identification to the 21808
operator or ~~his~~ the operator's agent, enter on any property or 21809
into any structure at any reasonable time for the purpose of 21810
making inspections required by this section. 21811

The licensor shall make at least one inspection prior to 21812
~~licensing, and at least two inspections during occupancy of the~~ 21813
~~camps, at least one of which shall be an unannounced evening~~ 21814
~~inspection conducted after five p.m. The licensor shall determine~~ 21815
~~and record housing unit occupancy during each evening inspection.~~ 21816
The licensor shall make such other inspections as ~~he~~ the licensor 21817
considers necessary to enforce sections 3733.41 to 3733.49 of the 21818
Revised Code adequately. 21819

(D) Any plans submitted to the licensor shall be in 21820
compliance with rules adopted pursuant to section 3733.42 of the 21821
Revised Code and shall be approved or disapproved within thirty 21822
days after they are filed. 21823

~~(E) All designees of the licensor who conduct inspections in~~ 21824
~~the evening in accordance with this section shall speak both~~ 21825
~~English and Spanish fluently. At least one member of the permanent~~ 21826
~~staff assigned to conduct inspections in accordance with this~~ 21827
~~section shall speak both English and Spanish fluently.~~ 21828

~~(F)~~ The licensor shall issue an annual report that shall 21829
accurately reflect the results of that year's inspections, 21830
including, but not limited to, numbers of ~~pre and post occupancy~~ 21831
inspections, number of violations found, and action taken in 21832
regard to violations. The report shall also include an assessment 21833
of any problems found in that year and proposed solutions for 21834
them. 21835

Sec. 3734.02. (A) The director of environmental protection, 21836
in accordance with Chapter 119. of the Revised Code, shall adopt 21837
and may amend, suspend, or rescind rules having uniform 21838
application throughout the state governing solid waste facilities 21839
and the inspections of and issuance of permits and licenses for 21840
all solid waste facilities in order to ensure that the facilities 21841
will be located, maintained, and operated, and will undergo 21842
closure and post-closure care, in a sanitary manner so as not to 21843
create a nuisance, cause or contribute to water pollution, create 21844
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 21845
257.3-8, as amended. The rules may include, without limitation, 21846
financial assurance requirements for closure and post-closure care 21847
and corrective action and requirements for taking corrective 21848
action in the event of the surface or subsurface discharge or 21849
migration of explosive gases or leachate from a solid waste 21850
facility, or of ground water contamination resulting from the 21851
transfer or disposal of solid wastes at a facility, beyond the 21852
boundaries of any area within a facility that is operating or is 21853
undergoing closure or post-closure care where solid wastes were 21854
disposed of or are being disposed of. The rules shall not concern 21855
or relate to personnel policies, salaries, wages, fringe benefits, 21856
or other conditions of employment of employees of persons owning 21857
or operating solid waste facilities. The director, in accordance 21858
with Chapter 119. of the Revised Code, shall adopt and may amend, 21859
suspend, or rescind rules governing the issuance, modification, 21860
revocation, suspension, or denial of variances from the director's 21861
solid waste rules, including, without limitation, rules adopted 21862
under this chapter governing the management of scrap tires. 21863

Variances shall be issued, modified, revoked, suspended, or 21864
rescinded in accordance with this division, rules adopted under 21865
it, and Chapter 3745. of the Revised Code. The director may order 21866
the person to whom a variance is issued to take such action within 21867

such time as the director may determine to be appropriate and 21868
reasonable to prevent the creation of a nuisance or a hazard to 21869
the public health or safety or the environment. Applications for 21870
variances shall contain such detail plans, specifications, and 21871
information regarding objectives, procedures, controls, and other 21872
pertinent data as the director may require. The director shall 21873
grant a variance only if the applicant demonstrates to the 21874
director's satisfaction that construction and operation of the 21875
solid waste facility in the manner allowed by the variance and any 21876
terms or conditions imposed as part of the variance will not 21877
create a nuisance or a hazard to the public health or safety or 21878
the environment. In granting any variance, the director shall 21879
state the specific provision or provisions whose terms are to be 21880
varied and also shall state specific terms or conditions imposed 21881
upon the applicant in place of the provision or provisions. The 21882
director may hold a public hearing on an application for a 21883
variance or renewal of a variance at a location in the county 21884
where the operations that are the subject of the application for 21885
the variance are conducted. The director shall give not less than 21886
twenty days' notice of the hearing to the applicant by certified 21887
mail and shall publish at least one notice of the hearing in a 21888
newspaper with general circulation in the county where the hearing 21889
is to be held. The director shall make available for public 21890
inspection at the principal office of the environmental protection 21891
agency a current list of pending applications for variances and a 21892
current schedule of pending variance hearings. The director shall 21893
make a complete stenographic record of testimony and other 21894
evidence submitted at the hearing. Within ten days after the 21895
hearing, the director shall make a written determination to issue, 21896
renew, or deny the variance and shall enter the determination and 21897
the basis for it into the record of the hearing. The director 21898
shall issue, renew, or deny an application for a variance or 21899
renewal of a variance within six months of the date upon which the 21900

director receives a complete application with all pertinent 21901
information and data required. No variance shall be issued, 21902
revoked, modified, or denied until the director has considered the 21903
relative interests of the applicant, other persons and property 21904
affected by the variance, and the general public. Any variance 21905
granted under this division shall be for a period specified by the 21906
director and may be renewed from time to time on such terms and 21907
for such periods as the director determines to be appropriate. No 21908
application shall be denied and no variance shall be revoked or 21909
modified without a written order stating the findings upon which 21910
the denial, revocation, or modification is based. A copy of the 21911
order shall be sent to the applicant or variance holder by 21912
certified mail. 21913

(B) The director shall prescribe and furnish the forms 21914
necessary to administer and enforce this chapter. The director may 21915
cooperate with and enter into agreements with other state, local, 21916
or federal agencies to carry out the purposes of this chapter. The 21917
director may exercise all incidental powers necessary to carry out 21918
the purposes of this chapter. 21919

The director may use moneys in the infectious waste 21920
management fund created in section 3734.021 of the Revised Code 21921
exclusively for administering and enforcing the provisions of this 21922
chapter governing the management of infectious wastes. Of each 21923
registration and renewal fee collected under rules adopted under 21924
division (A)(2)(a) of section 3734.021 or under section 3734.022 21925
of the Revised Code, the director, within forty-five days of its 21926
receipt, shall remit from the fund one-half of the fee received to 21927
the board of health of the health district in which the registered 21928
premises is located, or, in the instance of an infectious wastes 21929
transporter, to the board of health of the health district in 21930
which the transporter's principal place of business is located. 21931
However, if the board of health having jurisdiction over a 21932

registrant's premises or principal place of business is not on the 21933
approved list under section 3734.08 of the Revised Code, the 21934
director shall not make that payment to the board of health. 21935

(C) Except as provided in this division and divisions (N)(2) 21936
and (3) of this section, no person shall establish a new solid 21937
waste facility or infectious waste treatment facility, or modify 21938
an existing solid waste facility or infectious waste treatment 21939
facility, without submitting an application for a permit with 21940
accompanying detail plans, specifications, and information 21941
regarding the facility and method of operation and receiving a 21942
permit issued by the director, except that no permit shall be 21943
required under this division to install or operate a solid waste 21944
facility for sewage sludge treatment or disposal when the 21945
treatment or disposal is authorized by a current permit issued 21946
under Chapter 3704. or 6111. of the Revised Code. 21947

No person shall continue to operate a solid waste facility 21948
for which the director has denied a permit for which an 21949
application was required under division (A)(3) of section 3734.05 21950
of the Revised Code, or for which the director has disapproved 21951
plans and specifications required to be filed by an order issued 21952
under division (A)(5) of that section, after the date prescribed 21953
for commencement of closure of the facility in the order issued 21954
under division (A)(6) of section 3734.05 of the Revised Code 21955
denying the permit application or approval. 21956

On and after the effective date of the rules adopted under 21957
division (A) of this section and division (D) of section 3734.12 21958
of the Revised Code governing solid waste transfer facilities, no 21959
person shall establish a new, or modify an existing, solid waste 21960
transfer facility without first submitting an application for a 21961
permit with accompanying engineering detail plans, specifications, 21962
and information regarding the facility and its method of operation 21963
to the director and receiving a permit issued by the director. 21964

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed registration for the facility to the director in accordance with rules adopted under divisions (A) and (N)(3) of this section.

This division does not apply to an infectious waste treatment facility that meets any of the following conditions:

(1) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator regardless of whether the wastes are generated on the premises where the generator's treatment facility is located or, if the generator is a hospital as defined in section 3727.01 of the Revised Code, infectious wastes that are described in division (A)(1)(g), (h), or (i) of section 3734.021 of the Revised Code;

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment that are disposed of with solid wastes from the

individual's residence; to the temporary storage of solid wastes, 21995
other than scrap tires, prior to their collection for disposal; to 21996
the storage of one hundred or fewer scrap tires unless they are 21997
stored in such a manner that, in the judgment of the director or 21998
the board of health of the health district in which the scrap 21999
tires are stored, the storage causes a nuisance, a hazard to 22000
public health or safety, or a fire hazard; or to the collection of 22001
solid wastes, other than scrap tires, by a political subdivision 22002
or a person holding a franchise or license from a political 22003
subdivision of the state; to composting, as defined in section 22004
1511.01 of the Revised Code, conducted in accordance with section 22005
1511.022 of the Revised Code; or to any person who is licensed to 22006
transport raw rendering material to a compost facility pursuant to 22007
section 953.23 of the Revised Code. 22008

(E)(1) As used in this division and section 3734.18 of the 22009
Revised Code: 22010

(a) "On-site facility" means a facility that stores, treats, 22011
or disposes of hazardous waste that is generated on the premises 22012
of the facility. 22013

(b) "Off-site facility" means a facility that stores, treats, 22014
or disposes of hazardous waste that is generated off the premises 22015
of the facility and includes such a facility that is also an 22016
on-site facility. 22017

(c) "Satellite facility" means any of the following: 22018

(i) An on-site facility that also receives hazardous waste 22019
from other premises owned by the same person who generates the 22020
waste on the facility premises; 22021

(ii) An off-site facility operated so that all of the 22022
hazardous waste it receives is generated on one or more premises 22023
owned by the person who owns the facility; 22024

(iii) An on-site facility that also receives hazardous waste 22025

that is transported uninterruptedly and directly to the facility 22026
through a pipeline from a generator who is not the owner of the 22027
facility. 22028

(2) Except as provided in division (E)(3) of this section, no 22029
person shall establish or operate a hazardous waste facility, or 22030
use a solid waste facility for the storage, treatment, or disposal 22031
of any hazardous waste, without a hazardous waste facility 22032
installation and operation permit ~~from the hazardous waste~~ 22033
~~facility board~~ issued in accordance with section 3734.05 of the 22034
Revised Code and subject to the payment of an application fee not 22035
to exceed one thousand five hundred dollars, payable upon 22036
application for a hazardous waste facility installation and 22037
operation permit and upon application for a renewal permit issued 22038
under division (H) of section 3734.05 of the Revised Code, to be 22039
credited to the hazardous waste facility management fund created 22040
in section 3734.18 of the Revised Code. The term of a hazardous 22041
waste facility installation and operation permit shall not exceed 22042
five years. 22043

In addition to the application fee, there is hereby levied an 22044
annual permit fee to be paid by the permit holder upon the 22045
anniversaries of the date of issuance of the hazardous waste 22046
facility installation and operation permit and of any subsequent 22047
renewal permits and to be credited to the hazardous waste facility 22048
management fund. Annual permit fees totaling forty thousand 22049
dollars or more for any one facility may be paid on a quarterly 22050
basis with the first quarterly payment each year being due on the 22051
anniversary of the date of issuance of the hazardous waste 22052
facility installation and operation permit and of any subsequent 22053
renewal permits. The annual permit fee shall be determined for 22054
each permit holder by the director in accordance with the 22055
following schedule: 22056

TYPE OF BASIC 22057

MANAGEMENT UNIT	TYPE OF FACILITY	FEE	
			22058
Storage facility using:			22059
Containers	On-site, off-site, and		22060
	satellite	\$ 500	22061
Tanks	On-site, off-site, and		22062
	satellite	500	22063
Waste pile	On-site, off-site, and		22064
	satellite	3,000	22065
Surface impoundment	On-site and satellite	8,000	22066
	Off-site	10,000	22067
Disposal facility using:			22068
Deep well injection	On-site and satellite	15,000	22069
	Off-site	25,000	22070
Landfill	On-site and satellite	25,000	22071
	Off-site	40,000	22072
Land application	On-site and satellite	2,500	22073
	Off-site	5,000	22074
Surface impoundment	On-site and satellite	10,000	22075
	Off-site	20,000	22076
Treatment facility using:			22077
Tanks	On-site, off-site, and		22078
	satellite	700	22079
Surface impoundment	On-site and satellite	8,000	22080
	Off-site	10,000	22081
Incinerator	On-site and satellite	5,000	22082
	Off-site	<u>10,000</u>	22083
Other forms			22084
of treatment	On-site, off-site, and		22085
	satellite	1,000	22086

In determining the annual permit fee required by this 22087
 section, the director shall not require additional payments for 22088
 multiple units of the same method of storage, treatment, or 22089
 disposal or for individual units that are used for both storage 22090

and treatment. A facility using more than one method of storage, 22091
treatment, or disposal shall pay the permit fee indicated by the 22092
schedule for each such method. 22093

The director shall not require the payment of that portion of 22094
an annual permit fee of any permit holder that would apply to a 22095
hazardous waste management unit for which a permit has been 22096
issued, but for which construction has not yet commenced. Once 22097
construction has commenced, the director shall require the payment 22098
of a part of the appropriate fee indicated by the schedule that 22099
bears the same relationship to the total fee that the number of 22100
days remaining until the next anniversary date at which payment of 22101
the annual permit fee is due bears to three hundred sixty-five. 22102

The director, by rules adopted in accordance with Chapters 22103
119. and 3745. of the Revised Code, shall prescribe procedures for 22104
collecting the annual permit fee established by this division and 22105
may prescribe other requirements necessary to carry out this 22106
division. 22107

(3) The prohibition against establishing or operating a 22108
hazardous waste facility without a hazardous waste facility 22109
installation and operation permit ~~from the board~~ does not apply to 22110
either of the following: 22111

(a) A facility that is operating in accordance with a permit 22112
renewal issued under division (H) of section 3734.05 of the 22113
Revised Code, a revision issued under division (I) of that section 22114
as it existed prior to August 20, 1996, or a modification issued 22115
by the director under division (I) of that section on and after 22116
August 20, 1996; 22117

(b) Except as provided in division (J) of section 3734.05 of 22118
the Revised Code, a facility that will operate or is operating in 22119
accordance with a permit by rule, or that is not subject to permit 22120
requirements, under rules adopted by the director. In accordance 22121

with Chapter 119. of the Revised Code, the director shall adopt, 22122
and subsequently may amend, suspend, or rescind, rules for the 22123
purposes of division (E)(3)(b) of this section. Any rules so 22124
adopted shall be consistent with and equivalent to regulations 22125
pertaining to interim status adopted under the "Resource 22126
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 22127
6921, as amended, except as otherwise provided in this chapter. 22128

If a modification is requested or proposed for a facility 22129
described in division (E)(3)(a) or (b) of this section, division 22130
(I)~~(8)~~(7) of section 3734.05 of the Revised Code applies. 22131

(F) No person shall store, treat, or dispose of hazardous 22132
waste identified or listed under this chapter and rules adopted 22133
under it, regardless of whether generated on or off the premises 22134
where the waste is stored, treated, or disposed of, or transport 22135
or cause to be transported any hazardous waste identified or 22136
listed under this chapter and rules adopted under it to any other 22137
premises, except at or to any of the following: 22138

(1) A hazardous waste facility operating under a permit 22139
issued in accordance with this chapter; 22140

(2) A facility in another state operating under a license or 22141
permit issued in accordance with the "Resource Conservation and 22142
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 22143
amended; 22144

(3) A facility in another nation operating in accordance with 22145
the laws of that nation; 22146

(4) A facility holding a permit issued pursuant to Title I of 22147
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 22148
Stat. 1052, 33 U.S.C.A. 1401, as amended; 22149

(5) A hazardous waste facility as described in division 22150
(E)(3)(a) or (b) of this section. 22151

(G) The director, by order, may exempt any person generating, 22152
collecting, storing, treating, disposing of, or transporting solid 22153
wastes or hazardous waste, or processing solid wastes that consist 22154
of scrap tires, in such quantities or under such circumstances 22155
that, in the determination of the director, are unlikely to 22156
adversely affect the public health or safety or the environment 22157
from any requirement to obtain a registration certificate, permit, 22158
or license or comply with the manifest system or other 22159
requirements of this chapter. Such an exemption shall be 22160
consistent with and equivalent to any regulations adopted by the 22161
administrator of the United States environmental protection agency 22162
under the "Resource Conservation and Recovery Act of 1976," 90 22163
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 22164
provided in this chapter. 22165

(H) No person shall engage in filling, grading, excavating, 22166
building, drilling, or mining on land where a hazardous waste 22167
facility, or a solid waste facility, was operated without prior 22168
authorization from the director, who shall establish the procedure 22169
for granting such authorization by rules adopted in accordance 22170
with Chapter 119. of the Revised Code. 22171

A public utility that has main or distribution lines above or 22172
below the land surface located on an easement or right-of-way 22173
across land where a solid waste facility was operated may engage 22174
in any such activity within the easement or right-of-way without 22175
prior authorization from the director for purposes of performing 22176
emergency repair or emergency replacement of its lines; of the 22177
poles, towers, foundations, or other structures supporting or 22178
sustaining any such lines; or of the appurtenances to those 22179
structures, necessary to restore or maintain existing public 22180
utility service. A public utility may enter upon any such easement 22181
or right-of-way without prior authorization from the director for 22182
purposes of performing necessary or routine maintenance of those 22183

portions of its existing lines; of the existing poles, towers, 22184
foundations, or other structures sustaining or supporting its 22185
lines; or of the appurtenances to any such supporting or 22186
sustaining structure, located on or above the land surface on any 22187
such easement or right-of-way. Within twenty-four hours after 22188
commencing any such emergency repair, replacement, or maintenance 22189
work, the public utility shall notify the director or the 22190
director's authorized representative of those activities and shall 22191
provide such information regarding those activities as the 22192
director or the director's representative may request. Upon 22193
completion of the emergency repair, replacement, or maintenance 22194
activities, the public utility shall restore any land of the solid 22195
waste facility disturbed by those activities to the condition 22196
existing prior to the commencement of those activities. 22197

(I) No owner or operator of a hazardous waste facility, in 22198
the operation of the facility, shall cause, permit, or allow the 22199
emission therefrom of any particulate matter, dust, fumes, gas, 22200
mist, smoke, vapor, or odorous substance that, in the opinion of 22201
the director, unreasonably interferes with the comfortable 22202
enjoyment of life or property by persons living or working in the 22203
vicinity of the facility, or that is injurious to public health. 22204
Any such action is hereby declared to be a public nuisance. 22205

(J) Notwithstanding any other provision of this chapter, in 22206
the event the director finds an imminent and substantial danger to 22207
public health or safety or the environment that creates an 22208
emergency situation requiring the immediate treatment, storage, or 22209
disposal of hazardous waste, the director may issue a temporary 22210
emergency permit to allow the treatment, storage, or disposal of 22211
the hazardous waste at a facility that is not otherwise authorized 22212
by a hazardous waste facility installation and operation permit to 22213
treat, store, or dispose of the waste. The emergency permit shall 22214
not exceed ninety days in duration and shall not be renewed. The 22215

director shall adopt, and may amend, suspend, or rescind, rules in 22216
accordance with Chapter 119. of the Revised Code governing the 22217
issuance, modification, revocation, and denial of emergency 22218
permits. 22219

(K) No owner or operator of a sanitary landfill shall 22220
knowingly accept for disposal, or dispose of, any infectious 22221
wastes, other than those subject to division (A)(1)(c) of section 22222
3734.021 of the Revised Code, that have not been treated to render 22223
them noninfectious. For the purposes of this division, 22224
certification by the owner or operator of the treatment facility 22225
where the wastes were treated on the shipping paper required by 22226
rules adopted under division (D)(2) of that section creates a 22227
rebuttable presumption that the wastes have been so treated. 22228

(L) The director, in accordance with Chapter 119. of the 22229
Revised Code, shall adopt, and may amend, suspend, or rescind, 22230
rules having uniform application throughout the state establishing 22231
a training and certification program that shall be required for 22232
employees of boards of health who are responsible for enforcing 22233
the solid waste and infectious waste provisions of this chapter 22234
and rules adopted under them and for persons who are responsible 22235
for the operation of solid waste facilities or infectious waste 22236
treatment facilities. The rules shall provide all of the 22237
following, without limitation: 22238

(1) The program shall be administered by the director and 22239
shall consist of a course on new solid waste and infectious waste 22240
technologies, enforcement procedures, and rules; 22241

(2) The course shall be offered on an annual basis; 22242

(3) Those persons who are required to take the course under 22243
division (L) of this section shall do so triennially; 22244

(4) Persons who successfully complete the course shall be 22245
certified by the director; 22246

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the

boundaries of a national park or recreation area, but that has not 22278
been acquired or is not administered by the secretary of the 22279
United States department of the interior, located in this state, 22280
or any candidate area located in this state and identified for 22281
potential inclusion in the national park system in the edition of 22282
the "national park system plan" submitted under paragraph (b) of 22283
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 22284
U.S.C.A. 1a-5, as amended, current at the time of filing of the 22285
application for the permit, unless the facility or proposed 22286
facility is or is to be used exclusively for the disposal of solid 22287
wastes generated within the park or recreation area and the 22288
director determines that the facility or proposed facility will 22289
not degrade any of the natural or cultural resources of the park 22290
or recreation area. The director shall not issue a variance under 22291
division (A) of this section and rules adopted under it, or issue 22292
an exemption order under division (G) of this section, that would 22293
authorize any such establishment or expansion of a solid waste 22294
facility within the boundaries of any such park or recreation 22295
area, state park purchase area, or candidate area, other than a 22296
solid waste facility exclusively for the disposal of solid wastes 22297
generated within the park or recreation area when the director 22298
determines that the facility will not degrade any of the natural 22299
or cultural resources of the park or recreation area. 22300

(N)(1) The rules adopted under division (A) of this section, 22301
other than those governing variances, do not apply to scrap tire 22302
collection, storage, monocell, monofill, and recovery facilities. 22303
Those facilities are subject to and governed by rules adopted 22304
under sections 3734.70 to 3734.73 of the Revised Code, as 22305
applicable. 22306

(2) Division (C) of this section does not apply to scrap tire 22307
collection, storage, monocell, monofill, and recovery facilities. 22308
The establishment and modification of those facilities are subject 22309

to sections 3734.75 to 3734.78 and section 3734.81 of the Revised Code, as applicable. 22310
22311

(3) The director may adopt, amend, suspend, or rescind rules 22312
under division (A) of this section creating an alternative system 22313
for authorizing the establishment, operation, or modification of a 22314
solid waste compost facility in lieu of the requirement that a 22315
person seeking to establish, operate, or modify a solid waste 22316
compost facility apply for and receive a permit under division (C) 22317
of this section and section 3734.05 of the Revised Code and a 22318
license under division (A)(1) of that section. The rules may 22319
include requirements governing, without limitation, the 22320
classification of solid waste compost facilities, the submittal of 22321
operating records for solid waste compost facilities, and the 22322
creation of a registration or notification system in lieu of the 22323
issuance of permits and licenses for solid waste compost 22324
facilities. The rules shall specify the applicability of divisions 22325
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 22326
Code to a solid waste compost facility. 22327

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 22328
(8), and (9) of this section, no person shall operate or maintain 22329
a solid waste facility without a license issued under this 22330
division by the board of health of the health district in which 22331
the facility is located or by the director of environmental 22332
protection when the health district in which the facility is 22333
located is not on the approved list under section 3734.08 of the 22334
Revised Code. 22335

During the month of December, but before the first day of 22336
January of the next year, every person proposing to continue to 22337
operate an existing solid waste facility shall procure a license 22338
under this division to operate the facility for that year from the 22339
board of health of the health district in which the facility is 22340

located or, if the health district is not on the approved list 22341
under section 3734.08 of the Revised Code, from the director. The 22342
application for such a license shall be submitted to the board of 22343
health or to the director, as appropriate, on or before the last 22344
day of September of the year preceding that for which the license 22345
is sought. In addition to the application fee prescribed in 22346
division (A)(2) of this section, a person who submits an 22347
application after that date shall pay an additional ten per cent 22348
of the amount of the application fee for each week that the 22349
application is late. Late payment fees accompanying an application 22350
submitted to the board of health shall be credited to the special 22351
fund of the health district created in division (B) of section 22352
3734.06 of the Revised Code, and late payment fees accompanying an 22353
application submitted to the director shall be credited to the 22354
general revenue fund. A person who has received a license, upon 22355
sale or disposition of a solid waste facility, and upon consent of 22356
the board of health and the director, may have the license 22357
transferred to another person. The board of health or the director 22358
may include such terms and conditions in a license or revision to 22359
a license as are appropriate to ensure compliance with this 22360
chapter and rules adopted under it. The terms and conditions may 22361
establish the authorized maximum daily waste receipts for the 22362
facility. Limitations on maximum daily waste receipts shall be 22363
specified in cubic yards of volume for the purpose of regulating 22364
the design, construction, and operation of solid waste facilities. 22365
Terms and conditions included in a license or revision to a 22366
license by a board of health shall be consistent with, and pertain 22367
only to the subjects addressed in, the rules adopted under 22368
division (A) of section 3734.02 and division (D) of section 22369
3734.12 of the Revised Code. 22370

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 22371
(9) of this section, each person proposing to open a new solid 22372
waste facility or to modify an existing solid waste facility shall 22373

submit an application for a permit with accompanying detail plans 22374
and specifications to the environmental protection agency for 22375
required approval under the rules adopted by the director pursuant 22376
to division (A) of section 3734.02 of the Revised Code and 22377
applicable rules adopted under division (D) of section 3734.12 of 22378
the Revised Code at least two hundred seventy days before proposed 22379
operation of the facility and shall concurrently make application 22380
for the issuance of a license under division (A)(1) of this 22381
section with the board of health of the health district in which 22382
the proposed facility is to be located. 22383

(b) On and after the effective date of the rules adopted 22384
under division (A) of section 3734.02 of the Revised Code and 22385
division (D) of section 3734.12 of the Revised Code governing 22386
solid waste transfer facilities, each person proposing to open a 22387
new solid waste transfer facility or to modify an existing solid 22388
waste transfer facility shall submit an application for a permit 22389
with accompanying engineering detail plans, specifications, and 22390
information regarding the facility and its method of operation to 22391
the environmental protection agency for required approval under 22392
those rules at least two hundred seventy days before commencing 22393
proposed operation of the facility and concurrently shall make 22394
application for the issuance of a license under division (A)(1) of 22395
this section with the board of health of the health district in 22396
which the facility is located or proposed. 22397

(c) Each application for a permit under division (A)(2)(a) or 22398
(b) of this section shall be accompanied by a nonrefundable 22399
application fee of four hundred dollars that shall be credited to 22400
the general revenue fund. Each application for an annual license 22401
under division (A)(1) or (2) of this section shall be accompanied 22402
by a nonrefundable application fee of one hundred dollars. If the 22403
application for an annual license is submitted to a board of 22404
health on the approved list under section 3734.08 of the Revised 22405

Code, the application fee shall be credited to the special fund of 22406
the health district created in division (B) of section 3734.06 of 22407
the Revised Code. If the application for an annual license is 22408
submitted to the director, the application fee shall be credited 22409
to the general revenue fund. If a permit or license is issued, the 22410
amount of the application fee paid shall be deducted from the 22411
amount of the permit fee due under division (Q) of section 3745.11 22412
of the Revised Code or the amount of the license fee due under 22413
division (A)(1), (2), (3), or (4) of section 3734.06 of the 22414
Revised Code. 22415

(d) As used in divisions (A)(2)(d), (e), and (f) of this 22416
section, "modify" means any of the following: 22417

(i) Any increase of more than ten per cent in the total 22418
capacity of a solid waste facility; 22419

(ii) Any expansion of the limits of solid waste placement at 22420
a solid waste facility; 22421

(iii) Any increase in the depth of excavation at a solid 22422
waste facility; 22423

(iv) Any change in the technique of waste receipt or type of 22424
waste received at a solid waste facility that may endanger human 22425
health, as determined by the director by rules adopted in 22426
accordance with Chapter 119. of the Revised Code. 22427

Not later than thirty-five days after submitting an 22428
application under division (A)(2)(a) or (b) of this section for a 22429
permit to open a new or modify an existing solid waste facility, 22430
the applicant, in conjunction with an officer or employee of the 22431
environmental protection agency, shall hold a public meeting on 22432
the application within the county in which the new or modified 22433
solid waste facility is or is proposed to be located or within a 22434
contiguous county. Not less than thirty days before holding the 22435
public meeting on the application, the applicant shall publish 22436

notice of the meeting in each newspaper of general circulation 22437
that is published in the county in which the facility is or is 22438
proposed to be located. If no newspaper of general circulation is 22439
published in the county, the applicant shall publish the notice in 22440
a newspaper of general circulation in the county. The notice shall 22441
contain the date, time, and location of the public meeting and a 22442
general description of the proposed new or modified facility. Not 22443
later than five days after publishing the notice, the applicant 22444
shall send by certified mail a copy of the notice and the date the 22445
notice was published to the director and the legislative authority 22446
of each municipal corporation, township, and county, and to the 22447
chief executive officer of each municipal corporation, in which 22448
the facility is or is proposed to be located. At the public 22449
meeting, the applicant shall provide information and describe the 22450
application and respond to comments or questions concerning the 22451
application, and the officer or employee of the agency shall 22452
describe the permit application process. At the public meeting, 22453
any person may submit written or oral comments on or objections to 22454
the application. Not more than thirty days after the public 22455
meeting, the applicant shall provide the director with a copy of a 22456
transcript of the full meeting, copies of any exhibits, displays, 22457
or other materials presented by the applicant at the meeting, and 22458
the original copy of any written comments submitted at the 22459
meeting. 22460

(e) Except as provided in division (A)(2)(f) of this section, 22461
prior to taking an action, other than a proposed or final denial, 22462
upon an application submitted under division (A)(2)(a) of this 22463
section for a permit to open a new or modify an existing solid 22464
waste facility, the director shall hold a public information 22465
session and a public hearing on the application within the county 22466
in which the new or modified solid waste facility is or is 22467
proposed to be located or within a contiguous county. If the 22468
application is for a permit to open a new solid waste facility, 22469

the director shall hold the hearing not less than fourteen days 22470
after the information session. If the application is for a permit 22471
to modify an existing solid waste facility, the director may hold 22472
both the information session and the hearing on the same day 22473
unless any individual affected by the application requests in 22474
writing that the information session and the hearing not be held 22475
on the same day, in which case the director shall hold the hearing 22476
not less than fourteen days after the information session. The 22477
director shall publish notice of the public information session or 22478
public hearing not less than thirty days before holding the 22479
information session or hearing, as applicable. The notice shall be 22480
published in each newspaper of general circulation that is 22481
published in the county in which the facility is or is proposed to 22482
be located. If no newspaper of general circulation is published in 22483
the county, the director shall publish the notice in a newspaper 22484
of general circulation in the county. The notice shall contain the 22485
date, time, and location of the information session or hearing, as 22486
applicable, and a general description of the proposed new or 22487
modified facility. At the public information session, an officer 22488
or employee of the environmental protection agency shall describe 22489
the status of the permit application and be available to respond 22490
to comments or questions concerning the application. At the public 22491
hearing, any person may submit written or oral comments on or 22492
objections to the approval of the application. The applicant, or a 22493
representative of the applicant who has knowledge of the location, 22494
construction, and operation of the facility, shall attend the 22495
information session and public hearing to respond to comments or 22496
questions concerning the facility directed to the applicant or 22497
representative by the officer or employee of the environmental 22498
protection agency presiding at the information session and 22499
hearing. 22500

(f) The solid waste management policy committee of a county 22501
or joint solid waste management district may adopt a resolution 22502

requesting expeditious consideration of a specific application 22503
submitted under division (A)(2)(a) of this section for a permit to 22504
modify an existing solid waste facility within the district. The 22505
resolution shall make the finding that expedited consideration of 22506
the application without the public information session and public 22507
hearing under division (A)(2)(e) of this section is in the public 22508
interest and will not endanger human health, as determined by the 22509
director by rules adopted in accordance with Chapter 119. of the 22510
Revised Code. Upon receiving such a resolution, the director, at 22511
the director's discretion, may issue a final action upon the 22512
application without holding a public information session or public 22513
hearing pursuant to division (A)(2)(e) of this section. 22514

(3) Except as provided in division (A)(10) of this section, 22515
and unless the owner or operator of any solid waste facility, 22516
other than a solid waste transfer facility or a compost facility 22517
that accepts exclusively source separated yard wastes, that 22518
commenced operation on or before July 1, 1968, has obtained an 22519
exemption from the requirements of division (A)(3) of this section 22520
in accordance with division (G) of section 3734.02 of the Revised 22521
Code, the owner or operator shall submit to the director an 22522
application for a permit with accompanying engineering detail 22523
plans, specifications, and information regarding the facility and 22524
its method of operation for approval under rules adopted under 22525
division (A) of section 3734.02 of the Revised Code and applicable 22526
rules adopted under division (D) of section 3734.12 of the Revised 22527
Code in accordance with the following schedule: 22528

(a) Not later than September 24, 1988, if the facility is 22529
located in the city of Garfield Heights or Parma in Cuyahoga 22530
county; 22531

(b) Not later than December 24, 1988, if the facility is 22532
located in Delaware, Greene, Guernsey, Hamilton, Madison, 22533
Mahoning, Ottawa, or Vinton county; 22534

(c) Not later than March 24, 1989, if the facility is located 22535
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 22536
Washington county, or is located in the city of Brooklyn or 22537
Cuyahoga Heights in Cuyahoga county; 22538

(d) Not later than June 24, 1989, if the facility is located 22539
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 22540
Summit county or is located in Cuyahoga county outside the cities 22541
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 22542

(e) Not later than September 24, 1989, if the facility is 22543
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 22544
county; 22545

(f) Not later than December 24, 1989, if the facility is 22546
located in a county not listed in divisions (A)(3)(a) to (e) of 22547
this section; 22548

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 22549
section, not later than December 31, 1990, if the facility is a 22550
solid waste facility owned by a generator of solid wastes when the 22551
solid waste facility exclusively disposes of solid wastes 22552
generated at one or more premises owned by the generator 22553
regardless of whether the facility is located on a premises where 22554
the wastes are generated and if the facility disposes of more than 22555
one hundred thousand tons of solid wastes per year, provided that 22556
any such facility shall be subject to division (A)(5) of this 22557
section. 22558

(4) Except as provided in divisions (A)(8), (9), and (10) of 22559
this section, unless the owner or operator of any solid waste 22560
facility for which a permit was issued after July 1, 1968, but 22561
before January 1, 1980, has obtained an exemption from the 22562
requirements of division (A)(4) of this section under division (G) 22563
of section 3734.02 of the Revised Code, the owner or operator 22564
shall submit to the director an application for a permit with 22565

accompanying engineering detail plans, specifications, and 22566
information regarding the facility and its method of operation for 22567
approval under those rules. 22568

(5) The director may issue an order in accordance with 22569
Chapter 3745. of the Revised Code to the owner or operator of a 22570
solid waste facility requiring the person to submit to the 22571
director updated engineering detail plans, specifications, and 22572
information regarding the facility and its method of operation for 22573
approval under rules adopted under division (A) of section 3734.02 22574
of the Revised Code and applicable rules adopted under division 22575
(D) of section 3734.12 of the Revised Code if, in the director's 22576
judgment, conditions at the facility constitute a substantial 22577
threat to public health or safety or are causing or contributing 22578
to or threatening to cause or contribute to air or water pollution 22579
or soil contamination. Any person who receives such an order shall 22580
submit the updated engineering detail plans, specifications, and 22581
information to the director within one hundred eighty days after 22582
the effective date of the order. 22583

(6) The director shall act upon an application submitted 22584
under division (A)(3) or (4) of this section and any updated 22585
engineering plans, specifications, and information submitted under 22586
division (A)(5) of this section within one hundred eighty days 22587
after receiving them. If the director denies any such permit 22588
application, the order denying the application or disapproving the 22589
plans shall include the requirements that the owner or operator 22590
submit a plan for closure and post-closure care of the facility to 22591
the director for approval within six months after issuance of the 22592
order, cease accepting solid wastes for disposal or transfer at 22593
the facility, and commence closure of the facility not later than 22594
one year after issuance of the order. If the director determines 22595
that closure of the facility within that one-year period would 22596
result in the unavailability of sufficient solid waste management 22597

facility capacity within the county or joint solid waste 22598
management district in which the facility is located to dispose of 22599
or transfer the solid waste generated within the district, the 22600
director in the order of denial or disapproval may postpone 22601
commencement of closure of the facility for such period of time as 22602
the director finds necessary for the board of county commissioners 22603
or directors of the district to secure access to or for there to 22604
be constructed within the district sufficient solid waste 22605
management facility capacity to meet the needs of the district, 22606
provided that the director shall certify in the director's order 22607
that postponing the date for commencement of closure will not 22608
endanger ground water or any property surrounding the facility, 22609
allow methane gas migration to occur, or cause or contribute to 22610
any other type of environmental damage. 22611

If an emergency need for disposal capacity that may affect 22612
public health and safety exists as a result of closure of a 22613
facility under division (A)(6) of this section, the director may 22614
issue an order designating another solid waste facility to accept 22615
the wastes that would have been disposed of at the facility to be 22616
closed. 22617

(7) If the director determines that standards more stringent 22618
than those applicable in rules adopted under division (A) of 22619
section 3734.02 of the Revised Code and division (D) of section 22620
3734.12 of the Revised Code, or standards pertaining to subjects 22621
not specifically addressed by those rules, are necessary to ensure 22622
that a solid waste facility constructed at the proposed location 22623
will not cause a nuisance, cause or contribute to water pollution, 22624
or endanger public health or safety, the director may issue a 22625
permit for the facility with such terms and conditions as the 22626
director finds necessary to protect public health and safety and 22627
the environment. If a permit is issued, the director shall state 22628
in the order issuing it the specific findings supporting each such 22629

term or condition. 22630

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 22631
not apply to a solid waste compost facility that accepts 22632
exclusively source separated yard wastes and that is registered 22633
under division (C) of section 3734.02 of the Revised Code or, 22634
unless otherwise provided in rules adopted under division (N)(3) 22635
of section 3734.02 of the Revised Code, to a solid waste compost 22636
facility if the director has adopted rules establishing an 22637
alternative system for authorizing the establishment, operation, 22638
or modification of a solid waste compost facility under that 22639
division. 22640

(9) Divisions (A)(1) to (7) of this section do not apply to 22641
scrap tire collection, storage, monocell, monofill, and recovery 22642
facilities. The approval of plans and specifications, as 22643
applicable, and the issuance of registration certificates, 22644
permits, and licenses for those facilities are subject to sections 22645
3734.75 to 3734.78 of the Revised Code, as applicable, and section 22646
3734.81 of the Revised Code. 22647

(10) Divisions (A)(3) and (4) of this section do not apply to 22648
a solid waste incinerator that was placed into operation on or 22649
before October 12, 1994, and that is not authorized to accept and 22650
treat infectious wastes pursuant to division (B) of this section. 22651

(B)(1) Each person who is engaged in the business of treating 22652
infectious wastes for profit at a treatment facility located off 22653
the premises where the wastes are generated that is in operation 22654
on August 10, 1988, and who proposes to continue operating the 22655
facility shall submit to the board of health of the health 22656
district in which the facility is located an application for a 22657
license to operate the facility. 22658

Thereafter, no person shall operate or maintain an infectious 22659
waste treatment facility without a license issued by the board of 22660

health of the health district in which the facility is located or 22661
by the director when the health district in which the facility is 22662
located is not on the approved list under section 3734.08 of the 22663
Revised Code. 22664

(2)(a) During the month of December, but before the first day 22665
of January of the next year, every person proposing to continue to 22666
operate an existing infectious waste treatment facility shall 22667
procure a license to operate the facility for that year from the 22668
board of health of the health district in which the facility is 22669
located or, if the health district is not on the approved list 22670
under section 3734.08 of the Revised Code, from the director. The 22671
application for such a license shall be submitted to the board of 22672
health or to the director, as appropriate, on or before the last 22673
day of September of the year preceding that for which the license 22674
is sought. In addition to the application fee prescribed in 22675
division (B)(2)(c) of this section, a person who submits an 22676
application after that date shall pay an additional ten per cent 22677
of the amount of the application fee for each week that the 22678
application is late. Late payment fees accompanying an application 22679
submitted to the board of health shall be credited to the special 22680
infectious waste fund of the health district created in division 22681
(C) of section 3734.06 of the Revised Code, and late payment fees 22682
accompanying an application submitted to the director shall be 22683
credited to the general revenue fund. A person who has received a 22684
license, upon sale or disposition of an infectious waste treatment 22685
facility and upon consent of the board of health and the director, 22686
may have the license transferred to another person. The board of 22687
health or the director may include such terms and conditions in a 22688
license or revision to a license as are appropriate to ensure 22689
compliance with the infectious waste provisions of this chapter 22690
and rules adopted under them. 22691

(b) Each person proposing to open a new infectious waste 22692

treatment facility or to modify an existing infectious waste 22693
treatment facility shall submit an application for a permit with 22694
accompanying detail plans and specifications to the environmental 22695
protection agency for required approval under the rules adopted by 22696
the director pursuant to section 3734.021 of the Revised Code two 22697
hundred seventy days before proposed operation of the facility and 22698
concurrently shall make application for a license with the board 22699
of health of the health district in which the facility is or is 22700
proposed to be located. Not later than ninety days after receiving 22701
a completed application under division (B)(2)(b) of this section 22702
for a permit to open a new infectious waste treatment facility or 22703
modify an existing infectious waste treatment facility to expand 22704
its treatment capacity, or receiving a completed application under 22705
division (A)(2)(a) of this section for a permit to open a new 22706
solid waste incineration facility, or modify an existing solid 22707
waste incineration facility to also treat infectious wastes or to 22708
increase its infectious waste treatment capacity, that pertains to 22709
a facility for which a notation authorizing infectious waste 22710
treatment is included or proposed to be included in the solid 22711
waste incineration facility's license pursuant to division (B)(3) 22712
of this section, the director shall hold a public hearing on the 22713
application within the county in which the new or modified 22714
infectious waste or solid waste facility is or is proposed to be 22715
located or within a contiguous county. Not less than thirty days 22716
before holding the public hearing on the application, the director 22717
shall publish notice of the hearing in each newspaper that has 22718
general circulation and that is published in the county in which 22719
the facility is or is proposed to be located. If there is no 22720
newspaper that has general circulation and that is published in 22721
the county, the director shall publish the notice in a newspaper 22722
of general circulation in the county. The notice shall contain the 22723
date, time, and location of the public hearing and a general 22724
description of the proposed new or modified facility. At the 22725

public hearing, any person may submit written or oral comments on 22726
or objections to the approval or disapproval of the application. 22727
The applicant, or a representative of the applicant who has 22728
knowledge of the location, construction, and operation of the 22729
facility, shall attend the public hearing to respond to comments 22730
or questions concerning the facility directed to the applicant or 22731
representative by the officer or employee of the environmental 22732
protection agency presiding at the hearing. 22733

(c) Each application for a permit under division (B)(2)(b) of 22734
this section shall be accompanied by a nonrefundable application 22735
fee of four hundred dollars that shall be credited to the general 22736
revenue fund. Each application for an annual license under 22737
division (B)(2)(a) of this section shall be accompanied by a 22738
nonrefundable application fee of one hundred dollars. If the 22739
application for an annual license is submitted to a board of 22740
health on the approved list under section 3734.08 of the Revised 22741
Code, the application fee shall be credited to the special 22742
infectious waste fund of the health district created in division 22743
(C) of section 3734.06 of the Revised Code. If the application for 22744
an annual license is submitted to the director, the application 22745
fee shall be credited to the general revenue fund. If a permit or 22746
license is issued, the amount of the application fee paid shall be 22747
deducted from the amount of the permit fee due under division (Q) 22748
of section 3745.11 of the Revised Code or the amount of the 22749
license fee due under division (C) of section 3734.06 of the 22750
Revised Code. 22751

(d) The owner or operator of any infectious waste treatment 22752
facility that commenced operation on or before July 1, 1968, shall 22753
submit to the director an application for a permit with 22754
accompanying engineering detail plans, specifications, and 22755
information regarding the facility and its method of operation for 22756
approval under rules adopted under section 3734.021 of the Revised 22757

Code in accordance with the following schedule:	22758
(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;	22759 22760 22761
(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;	22762 22763 22764 22765
(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;	22766 22767 22768 22769
(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;	22770 22771 22772
(v) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (B)(2)(d)(i) to (iv) of this section.	22773 22774 22775
The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.	22776 22777 22778 22779 22780 22781 22782
(e) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of an infectious waste treatment facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the	22783 22784 22785 22786 22787 22788

Revised Code if, in the director's judgment, conditions at the 22789
facility constitute a substantial threat to public health or 22790
safety or are causing or contributing to or threatening to cause 22791
or contribute to air or water pollution or soil contamination. Any 22792
person who receives such an order shall submit the updated 22793
engineering detail plans, specifications, and information to the 22794
director within one hundred eighty days after the effective date 22795
of the order. 22796

(f) The director shall act upon an application submitted 22797
under division (B)(2)(d) of this section and any updated 22798
engineering plans, specifications, and information submitted under 22799
division (B)(2)(e) of this section within one hundred eighty days 22800
after receiving them. If the director denies any such permit 22801
application or disapproves any such updated engineering plans, 22802
specifications, and information, the director shall include in the 22803
order denying the application or disapproving the plans the 22804
requirement that the owner or operator cease accepting infectious 22805
wastes for treatment at the facility. 22806

(3) Division (B) of this section does not apply to an 22807
infectious waste treatment facility that meets any of the 22808
following conditions: 22809

(a) Is owned or operated by the generator of the wastes and 22810
exclusively treats, by methods, techniques, and practices 22811
established by rules adopted under division (C)(1) or (3) of 22812
section 3734.021 of the Revised Code, wastes that are generated at 22813
any premises owned or operated by that generator regardless of 22814
whether the wastes are generated on the same premises where the 22815
generator's treatment facility is located or, if the generator is 22816
a hospital as defined in section 3727.01 of the Revised Code, 22817
infectious wastes that are described in division (A)(1)(g), (h), 22818
or (i) of section 3734.021 of the Revised Code; 22819

(b) Holds a license or renewal of a license to operate a 22820

crematory facility issued under Chapter 4717. and a permit issued 22821
under Chapter 3704. of the Revised Code; 22822

(c) Treats or disposes of dead animals or parts thereof, or 22823
the blood of animals, and is subject to any of the following: 22824

(i) Inspection under the "Federal Meat Inspection Act," 81 22825
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 22826

(ii) Chapter 918. of the Revised Code; 22827

(iii) Chapter 953. of the Revised Code. 22828

Nothing in division (B) of this section requires a facility 22829
that holds a license issued under division (A) of this section as 22830
a solid waste facility and that also treats infectious wastes by 22831
the same method, technique, or process to obtain a license under 22832
division (B) of this section as an infectious waste treatment 22833
facility. However, the solid waste facility license for the 22834
facility shall include the notation that the facility also treats 22835
infectious wastes. 22836

On and after the effective date of the amendments to the 22837
rules adopted under division (C)(2) of section 3734.021 of the 22838
Revised Code that are required by Section 6 of Substitute House 22839
Bill No. 98 of the 120th General Assembly, the director shall not 22840
issue a permit to open a new solid waste incineration facility 22841
unless the proposed facility complies with the requirements for 22842
the location of new infectious waste incineration facilities 22843
established in the required amendments to those rules. 22844

(C) Except for a facility or activity described in division 22845
(E)(3) of section 3734.02 of the Revised Code, a person who 22846
proposes to establish or operate a hazardous waste facility shall 22847
submit ~~an~~ a complete application for a hazardous waste facility 22848
installation and operation permit and accompanying detail plans, 22849
specifications, and such information as the director may require 22850
to the environmental protection agency, ~~except as provided in~~ 22851

~~division (E)(2) of this section, at least one hundred eighty days~~ 22852
~~before the proposed beginning of operation of the facility. The~~ 22853
~~applicant shall notify by certified mail the legislative authority~~ 22854
~~of each municipal corporation, township, and county in which the~~ 22855
~~facility is proposed to be located of the submission of the~~ 22856
~~application within ten days after the submission or at such~~ 22857
~~earlier time as the director may establish by rule. If the~~ 22858
~~application is for a proposed new hazardous waste disposal or~~ 22859
~~thermal treatment facility, the applicant also shall give actual~~ 22860
~~notice of the general design and purpose of the facility to the~~ 22861
~~legislative authority of each municipal corporation, township, and~~ 22862
~~county in which the facility is proposed to be located at least~~ 22863
~~ninety days before the permit application is submitted to the~~ 22864
~~environmental protection agency.~~ 22865

In accordance with rules adopted under section 3734.12 of the 22866
Revised Code, prior to the submission of a complete application 22867
for a hazardous waste facility installation and operation permit, 22868
the applicant shall hold at least one meeting in the township or 22869
municipal corporation in which the facility is proposed to be 22870
located, whichever is geographically closer to the proposed 22871
location of the facility. The meeting shall be open to the public 22872
and shall be held to inform the community of the proposed 22873
hazardous waste management activities and to solicit questions 22874
from the community concerning the activities. 22875

~~(D)(1) There is hereby created the hazardous waste facility~~ 22876
~~board, composed of the director of environmental protection who~~ 22877
~~shall serve as chairperson, the director of natural resources, and~~ 22878
~~the chairperson of the Ohio water development authority, or their~~ 22879
~~respective designees, and one chemical engineer and one geologist~~ 22880
~~who each shall be employed by a state university as defined in~~ 22881
~~section 3345.011 of the Revised Code. The chemical engineer and~~ 22882
~~geologist each shall be appointed by the governor, with the advice~~ 22883

~~and consent of the senate, for a term of two years. The chemical
engineer and geologist each shall receive as compensation five
thousand dollars per year, plus expenses necessarily incurred in
the performance of their duties.~~

~~The board shall not issue any final order without the consent
of at least three members.~~

~~(2) The hazardous waste facility board shall do both of the
following:~~

~~(a) Pursuant to Chapter 119. of the Revised Code, adopt rules
governing procedure to be followed in hearings before the board:~~

~~(b) Except as provided in section 3734.123 of the Revised
Code, approve or disapprove applications for a hazardous waste
facility installation and operation permit for new facilities and
applications for modifications to existing permits for which the
board has jurisdiction as provided in division (I)(3) of this
section.~~

~~(3) Except as provided in section 3734.123 of the Revised
Code, upon receipt of the completed application for a hazardous
waste facility installation and operation permit and a preliminary
determination by the staff of the environmental protection agency
that the application appears to comply with agency rules and to
meet the performance standards set forth in divisions (D), (I),
and (J) of section 3734.12 of the Revised Code, the director shall
transmit the application to the board, which shall do all of the
following:~~

~~(a) Promptly fix a date for a public hearing on the
application, not fewer than sixty nor more than ninety days after
receipt of the completed application. At the public hearing, any
person may submit written or oral comments or objections to the
approval or disapproval of the application. A representative of
the applicant who has knowledge of the location, construction,~~

~~operation, closure, and post closure care, if applicable, of the 22915
facility shall attend the public hearing in order to respond to 22916
comments or questions concerning the facility directed to the 22917
representative by the presiding officer. 22918~~

~~(b) Give public notice of the date of the public hearing and 22919
a summary of the application in a newspaper having general 22920
circulation in the county in which the facility is proposed to be 22921
located. The notice shall contain, at a minimum, the date, time, 22922
and location of the public hearing and shall include the location 22923
and street address of, or the nearest intersection to, the 22924
proposed facility, a description of the proposed facility, and the 22925
location where copies of the application, a short statement by the 22926
applicant of the anticipated environmental impact of the facility, 22927
and a map of the facility are available for inspection. 22928~~

~~(c) Promptly fix a date for an adjudication hearing, not 22929
fewer than ninety nor more than one hundred twenty days after 22930
receipt of the completed application, at which hearing the board 22931
shall hear and decide all disputed issues between the parties 22932
respecting the approval or disapproval of the application. 22933~~

~~(4) The parties to any adjudication hearing before the board 22934
upon a completed application shall be the following: 22935~~

~~(a) The applicant; 22936~~

~~(b) The staff of the environmental protection agency; 22937~~

~~(c) The board of county commissioners of the county, the 22938
board of township trustees of the township, and the chief 22939
executive officer of the municipal corporation in which the 22940
facility is proposed to be located; 22941~~

~~(d) Any other person who would be aggrieved or adversely 22942
affected by the proposed facility and who files a petition to 22943
intervene in the adjudication hearing not later than thirty days 22944
after the date of publication of the notice required in division 22945~~

~~(D)(3)(b) of this section if the petition is granted by the board 22946
for good cause shown. The board may allow intervention by other 22947
aggrieved or adversely affected persons up to fifteen days prior 22948
to the date of the adjudication hearing for good cause shown when 22949
the intervention would not be unduly burdensome to or cause a 22950
delay in the permitting process. 22951~~

~~(5) The hazardous waste facility board shall conduct any 22952
adjudication hearing upon disputed issues in accordance with 22953
Chapter 119. of the Revised Code and the rules of the board 22954
governing the procedure of such hearings. Each party may call and 22955
examine witnesses and submit other evidence respecting the 22956
disputed issues presented by an application. A written record 22957
shall be made of the hearing and of all testimony and evidence 22958
submitted to the board upon receipt of a complete application for 22959
a hazardous waste facility installation and operation permit under 22960
division (C) of this section, the director shall consider the 22961
application and accompanying information to determine whether the 22962
application complies with agency rules and the requirements of 22963
division (D)(2) of this section. After making a determination, the 22964
director shall issue either a draft permit or a notice of intent 22965
to deny the permit. The director, in accordance with rules adopted 22966
under section 3734.12 of the Revised Code or with rules adopted to 22967
implement Chapter 3745. of the Revised Code, shall provide public 22968
notice of the application and the draft permit or the notice of 22969
intent to deny the permit, provide an opportunity for public 22970
comments, and, if significant interest is shown, schedule a public 22971
meeting in the county in which the facility is proposed to be 22972
located and give public notice of the date, time, and location of 22973
the public meeting in a newspaper of general circulation in that 22974
county. 22975~~

~~(6)(2) The ~~board~~ director shall not approve an application 22976
for a hazardous waste facility installation and operation permit 22977~~

or an application for a modification under division (I)(3) of this 22978
section unless ~~it~~ the director finds and determines as follows: 22979

(a) The nature and volume of the waste to be treated, stored, 22980
or disposed of at the facility; 22981

(b) That the facility complies with the director's hazardous 22982
waste standards adopted pursuant to section 3734.12 of the Revised 22983
Code; 22984

(c) That the facility represents the minimum adverse 22985
environmental impact, considering the state of available 22986
technology and the nature and economics of various alternatives, 22987
and other pertinent considerations; 22988

(d) That the facility represents the minimum risk of all of 22989
the following: 22990

(i) ~~Contamination of ground and surface waters;~~ 22991

~~(ii)~~ Fires or explosions from treatment, storage, or disposal 22992
methods; 22993

~~(iii)~~ ~~Accident~~ (ii) Release of hazardous waste during 22994
transportation of hazardous waste to or from the facility; 22995

~~(iv)~~ ~~Impact~~ (iii) Adverse impact on the public health and 22996
safety; 22997

~~(v)~~ ~~Air pollution;~~ 22998

~~(vi)~~ ~~Soil contamination.~~ 22999

(e) That the facility will comply with this chapter and 23000
Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all rules 23001
and standards adopted under ~~those chapters~~ them; 23002

(f) That if the owner of the facility, the operator of the 23003
facility, or any other person in a position with the facility from 23004
which the person may influence the installation and operation of 23005
the facility has been involved in any prior activity involving 23006

transportation, treatment, storage, or disposal of hazardous 23007
waste, that person has a history of compliance with this chapter 23008
and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all 23009
rules and standards adopted under ~~those chapters~~ them, the 23010
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 23011
42 U.S.C.A. 6921, as amended, and all regulations adopted under 23012
it, and similar laws and rules of other states if any such prior 23013
operation was located in another state that demonstrates 23014
sufficient reliability, expertise, and competency to operate a 23015
hazardous waste facility under the applicable provisions of this 23016
chapter and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code, 23017
the applicable rules and standards adopted under ~~those chapters~~ 23018
them, and terms and conditions of a hazardous waste facility 23019
installation and operation permit, given the potential for harm to 23020
the public health and safety and the environment that could result 23021
from the irresponsible operation of the facility~~+~~. For off-site 23022
facilities, as defined in section 3734.41 of the Revised Code, the 23023
director may use the investigative reports of the attorney general 23024
prepared pursuant to section 3734.42 of the Revised Code as a 23025
basis for making a finding and determination under division 23026
(D)(2)(f) of this section. 23027

(g) That the active areas within a new hazardous waste 23028
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 23029
(e), as amended, or organic waste that is toxic and is listed 23030
under 40 C.F.R. 261, as amended, is being stored, treated, or 23031
disposed of and where the aggregate of the storage design capacity 23032
and the disposal design capacity of all hazardous waste in those 23033
areas is greater than two hundred fifty thousand gallons, are not 23034
located or operated within any of the following: 23035

(i) Two thousand feet of any residence, school, hospital, 23036
jail, or prison; 23037

(ii) Any naturally occurring wetland; 23038

(iii) Any flood hazard area if the applicant cannot show that 23039
the facility will be designed, constructed, operated, and 23040
maintained to prevent washout by a one-hundred-year flood ~~or that~~ 23041
~~procedures will be in effect to remove the waste before flood~~ 23042
~~waters can reach it.~~ 23043

Division (D)~~(6)~~(2)(g) of this section does not apply to the 23044
facility of any applicant who demonstrates to the ~~board~~ director 23045
that the limitations specified in that division are not necessary 23046
because of the nature or volume of the waste and the manner of 23047
management applied, the facility will impose no substantial danger 23048
to the health and safety of persons occupying the structures 23049
listed in division (D)~~(6)~~(2)(g)(i) of this section, and the 23050
facility is to be located or operated in an area where the 23051
proposed hazardous waste activities will not be incompatible with 23052
existing land uses in the area. 23053

(h) That the facility will not be located within the 23054
boundaries of a state park established or dedicated under Chapter 23055
1541. of the Revised Code, a state park purchase area established 23056
under section 1541.02 of the Revised Code, any unit of the 23057
national park system, or any property that lies within the 23058
boundaries of a national park or recreation area, but that has not 23059
been acquired or is not administered by the secretary of the 23060
United States department of the interior, located in this state, 23061
or any candidate area located in this state identified for 23062
potential inclusion in the national park system in the edition of 23063
the "national park system plan" submitted under paragraph (b) of 23064
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 23065
U.S.C.A. 1a-5, as amended, current at the time of filing of the 23066
application for the permit, unless the facility will be used 23067
exclusively for the storage of hazardous waste generated within 23068
the park or recreation area in conjunction with the operation of 23069
the park or recreation area. Division (D)~~(6)~~(2)(h) of this section 23070

does not apply to the facility of any applicant for modification 23071
of a permit unless the modification application proposes to 23072
increase the land area included in the facility or to increase the 23073
quantity of hazardous waste that will be treated, stored, or 23074
disposed of at the facility. 23075

~~In rendering a decision upon an application for a hazardous 23076
waste facility installation and operation permit, the board shall 23077
issue a written order and opinion, which shall include the 23078
specific findings of fact and conclusions of law that support the 23079
board's approval or disapproval of the application. 23080~~

(3) Not later than one hundred eighty days after the end of 23081
the public comment period, the director, without prior hearing, 23082
shall issue or deny the permit in accordance with Chapter 3745. of 23083
the Revised Code. If the ~~board~~ director approves an application 23084
for a hazardous waste facility installation and operation permit, 23085
~~as a part of its written order, it~~ the director shall issue the 23086
permit, upon such terms and conditions as the ~~board~~ director finds 23087
are necessary to ensure the construction and operation of the 23088
hazardous waste facility in accordance with the standards of this 23089
section. 23090

~~(7) Any party adversely affected by an order of the hazardous 23091
waste facility board may appeal the order and decision of the 23092
board to the court of appeals of Franklin county. An appellant 23093
shall file with the board a notice of appeal, which shall 23094
designate the order appealed from. A copy of the notice also shall 23095
be filed by the appellant with the court, and a copy shall be sent 23096
by certified mail to each party to the adjudication hearing before 23097
the board. Such notices shall be filed and mailed within thirty 23098
days after the date upon which the appellant received notice from 23099
the board by certified mail of the making of the order appealed 23100
from. No appeal bond shall be required to make an appeal 23101
effective. 23102~~

~~The filing of a notice of appeal shall not operate 23103
automatically as a suspension of the order of the board. If it 23104
appears to the court that an unjust hardship to the appellant will 23105
result from the execution of the board's order pending 23106
determination of the appeal, the court may grant a suspension of 23107
the order and fix its terms. 23108~~

~~Within twenty days after receipt of the notice of appeal, the 23109
board shall prepare and file in the court the complete record of 23110
proceedings out of which the appeal arises, including any 23111
transcript of the testimony and any other evidence that has been 23112
submitted before the board. The expense of preparing and 23113
transcribing the record shall be taxed as a part of the costs of 23114
the appeal. The appellant, other than the state or a political 23115
subdivision, an agency of either, or any officer of the appellant 23116
acting in the officer's representative capacity, shall provide 23117
security for costs satisfactory to the court considering the 23118
respective interests of the parties and the public interest. Upon 23119
demand by a party, the board shall furnish, at the cost of the 23120
party requesting it, a copy of the record. If the complete record 23121
is not filed within the time provided for in this section, any 23122
party may apply to the court to have the case docketed, and the 23123
court shall order the record filed. 23124~~

~~In hearing the appeal, the court is confined to the record as 23125
certified to it by the board. The court may grant a request for 23126
the admission of additional evidence when satisfied that the 23127
additional evidence is newly discovered and could not with 23128
reasonable diligence have been ascertained prior to the hearing 23129
before the board. 23130~~

~~The court shall affirm the order complained of in the appeal 23131
if it finds, upon consideration of the entire record and such 23132
additional evidence as the court has admitted, that the order is 23133
supported by reliable, probative, and substantial evidence and is 23134~~

~~in accordance with law. In the absence of such findings, it shall 23135
reverse, vacate, or modify the order or make such other ruling as 23136
is supported by reliable, probative, and substantial evidence and 23137
is in accordance with law. The judgment of the court shall be 23138
final and conclusive unless reversed, vacated, or modified on 23139
appeal. Such appeals may be taken by any party to the appeal 23140
pursuant to the Rules of Practice of the Supreme Court and, to the 23141
extent not in conflict with those rules, Chapter 2505. of the 23142
Revised Code. 23143~~

~~(E)(1) Upon receipt of a completed application, the board 23144
shall issue a hazardous waste facility installation and operation 23145
permit for a hazardous waste facility subject to the requirements 23146
of divisions (D)(6) and (7) of this section and all applicable 23147
federal regulations if the facility for which the permit is 23148
requested satisfies all of the following: 23149~~

~~(a) Was in operation immediately prior to October 9, 1980; 23150~~

~~(b) Was in substantial compliance with applicable statutes 23151
and rules in effect immediately prior to October 9, 1980, as 23152
determined by the director; 23153~~

~~(c) Demonstrates to the board that its operations after 23154
October 9, 1980, comply with applicable performance standards 23155
adopted by the director pursuant to division (D) of section 23156
3734.12 of the Revised Code; 23157~~

~~(d) Submits a completed application for a permit under 23158
division (C) of this section within six months after October 9, 23159
1980. 23160~~

~~The board shall act on the application within twelve months 23161
after October 9, 1980. 23162~~

~~(2) A hazardous waste facility that was in operation 23163
immediately prior to October 9, 1980, may continue to operate 23164
after that date if it does all of the following: 23165~~

(a) Complies with performance standards adopted by the	23166
director pursuant to division (D) of section 3734.12 of the	23167
Revised Code;	23168
(b) Submits a completed application for a hazardous waste	23169
installation and operation permit under division (C) of this	23170
section within six months after October 9, 1980;	23171
(c) Obtains the permit under division (D) of this section	23172
within twelve months after October 9, 1980.	23173
(3) No political subdivision of this state shall require any	23174
additional zoning or other approval, consent, permit, certificate,	23175
or condition for the construction or operation of a hazardous	23176
waste facility authorized by a hazardous waste facility	23177
installation and operation permit issued pursuant to this chapter,	23178
nor shall any political subdivision adopt or enforce any law,	23179
ordinance, or rule that in any way alters, impairs, or limits the	23180
authority granted in the permit.	23181
(4) After the issuance of a hazardous waste facility	23182
installation and operation permit by the board, each hazardous	23183
waste facility shall be subject to the rules and supervision of	23184
the director during the period of its operation, closure, and	23185
post-closure care, if applicable.	23186
(F) Upon approval of the board in accordance with divisions	23187
(D) and (E) of this section, the board <u>The director</u> may issue a	23188
single hazardous waste facility installation and operation permit	23189
to a person who operates two or more adjoining facilities where	23190
hazardous waste is stored, treated, or disposed of if the	23191
application includes detail plans, specifications, and information	23192
on all facilities. For the purposes of this section, "adjoining"	23193
means sharing a common boundary, separated only by a public road,	23194
or in such proximity that the director determines that the	23195
issuance of a single permit will not create a hazard to the public	23196

health or safety or the environment. 23197

(G) No person shall falsify or fail to keep or submit any 23198
plans, specifications, data, reports, records, manifests, or other 23199
information required to be kept or submitted to the director ~~or to~~ 23200
~~the hazardous waste facility board~~ by this chapter or the rules 23201
adopted under it. 23202

(H)(1) Each person who holds an installation and operation 23203
permit issued under this section and who wishes to obtain a permit 23204
renewal shall submit a completed application for an installation 23205
and operation permit renewal and any necessary accompanying 23206
general plans, detail plans, specifications, and such information 23207
as the director may require to the director no later than one 23208
hundred eighty days prior to the expiration date of the existing 23209
permit or upon a later date prior to the expiration of the 23210
existing permit if the permittee can demonstrate good cause for 23211
the late submittal. The director shall consider the application 23212
and accompanying information, inspection reports of the facility, 23213
results of performance tests, a report regarding the facility's 23214
compliance or noncompliance with the terms and conditions of its 23215
permit and rules adopted by the director under this chapter, and 23216
such other information as is relevant to the operation of the 23217
facility and shall issue a draft renewal permit or a notice of 23218
intent to deny the renewal permit. The director, in accordance 23219
with rules adopted under this section or with rules adopted to 23220
implement Chapter 3745. of the Revised Code, shall give public 23221
notice of the application and draft renewal permit or notice of 23222
intent to deny the renewal permit, provide for the opportunity for 23223
public comments within a specified time period, schedule a public 23224
meeting in the county in which the facility is located if 23225
significant interest is shown, and give public notice of the 23226
public meeting. 23227

(2) Within sixty days after the public meeting or close of 23228

the public comment period, the director, without prior hearing, 23229
shall issue or deny the renewal permit in accordance with Chapter 23230
3745. of the Revised Code. The director shall not issue a renewal 23231
permit unless the director determines that the facility under the 23232
existing permit has a history of compliance with this chapter, 23233
rules adopted under it, the existing permit, or orders entered to 23234
enforce such requirements that demonstrates sufficient 23235
reliability, expertise, and competency to operate the facility 23236
henceforth under this chapter, rules adopted under it, and the 23237
renewal permit. If the director approves an application for a 23238
renewal permit, the director shall issue the permit subject to the 23239
payment of the annual permit fee required under division (E) of 23240
section 3734.02 of the Revised Code and upon such terms and 23241
conditions as the director finds are reasonable to ensure that 23242
continued operation, maintenance, closure, and post-closure care 23243
of the hazardous waste facility are in accordance with the rules 23244
adopted under section 3734.12 of the Revised Code. 23245

(3) An installation and operation permit renewal application 23246
submitted to the director that also contains or would constitute 23247
an application for a modification shall be acted upon by the 23248
director in accordance with division (I) of this section in the 23249
same manner as an application for a modification. In approving or 23250
disapproving the renewal portion of a permit renewal application 23251
containing an application for a modification, the director shall 23252
apply the criteria established under division (H)(2) of this 23253
section. 23254

(4) An application for renewal or modification of a permit 23255
that does not contain an application for a modification as 23256
described in divisions (I)(3)(a) to (d) of this section shall not 23257
be subject to division (D)(2) of this section. 23258

(I)(1) As used in this section, "modification" means a change 23259
or alteration to a hazardous waste facility or its operations that 23260

is inconsistent with or not authorized by its existing permit or 23261
authorization to operate. Modifications shall be classified as 23262
Class 1, 2, or 3 modifications in accordance with rules adopted 23263
under division (K) of this section. Modifications classified as 23264
Class 3 modifications, in accordance with rules adopted under that 23265
division, shall be further classified by the director as either 23266
Class 3 modifications that are to be approved or disapproved by 23267
the ~~hazardous waste facility board as described in~~ director under 23268
divisions (I)(3)(a) to (d) of this section or as Class 3 23269
modifications that are to be approved or disapproved by the 23270
director under division (I)(5) of this section. Not later than 23271
thirty days after receiving a request for a modification under 23272
division (I)(4) of this section that is not listed in Appendix I 23273
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 23274
section, the director shall classify the modification and shall 23275
notify the owner or operator of the facility requesting the 23276
modification of the classification. Notwithstanding any other law 23277
to the contrary, any modification that involves the transfer of a 23278
hazardous waste facility installation and operation permit to a 23279
new owner or operator shall be classified as a Class 3 23280
modification. 23281

(2) Except as provided in section 3734.123 of the Revised 23282
Code, a hazardous waste facility installation and operation permit 23283
may be modified at the request of the director or upon the written 23284
request of the permittee only if any of the following applies: 23285

(a) The permittee desires to accomplish alterations, 23286
additions, or deletions to the permitted facility or to undertake 23287
alterations, additions, deletions, or activities that are 23288
inconsistent with or not authorized by the existing permit; 23289

(b) New information or data justify permit conditions in 23290
addition to or different from those in the existing permit; 23291

(c) The standards, criteria, or rules upon which the existing 23292

permit is based have been changed by new, amended, or rescinded 23293
standards, criteria, or rules, or by judicial decision after the 23294
existing permit was issued, and the change justifies permit 23295
conditions in addition to or different from those in the existing 23296
permit; 23297

(d) The permittee proposes to transfer the permit to another 23298
person. 23299

(3) The director ~~has jurisdiction to~~ shall approve or 23300
disapprove ~~applications~~ an application for ~~Class 1 modifications,~~ 23301
~~Class 2 modifications, and Class 3 modifications not otherwise~~ 23302
~~described in divisions (I)(3)(a) to (d) of this section. The~~ 23303
~~hazardous waste facility board has jurisdiction to approve or~~ 23304
~~disapprove applications for any~~ a modification in accordance with 23305
division (D)(2) of this section and rules adopted under division 23306
(K) of this section for all of the following categories of Class 3 23307
modifications: 23308

(a) Authority to conduct treatment, storage, or disposal at a 23309
site, location, or tract of land that has not been authorized for 23310
the proposed category of treatment, storage, or disposal activity 23311
by the facility's permit; 23312

(b) Modification or addition of a hazardous waste management 23313
unit, as defined in rules adopted under section 3734.12 of the 23314
Revised Code, that results in an increase in a facility's storage 23315
capacity of more than twenty-five per cent over the capacity 23316
authorized by the facility's permit, an increase in a facility's 23317
treatment rate of more than twenty-five per cent over the rate so 23318
authorized, or an increase in a facility's disposal capacity over 23319
the capacity so authorized. The authorized disposal capacity for a 23320
facility shall be calculated from the approved design plans for 23321
the disposal units at that facility. In no case during a five-year 23322
period shall a facility's storage capacity or treatment rate be 23323
modified to increase by more than twenty-five per cent in the 23324

aggregate without ~~board~~ the director's approval in accordance with 23325
division (D)(2) of this section. Notwithstanding any provision of 23326
division (I) of this section to the contrary, a request for 23327
modification of a facility's annual total waste receipt limit 23328
shall be classified and approved or disapproved by the director 23329
under division (I)(5) of this section. 23330

(c) Authority to add any of the following categories of 23331
regulated activities not previously authorized at a facility by 23332
the facility's permit: storage at a facility not previously 23333
authorized to store hazardous waste, treatment at a facility not 23334
previously authorized to treat hazardous waste, or disposal at a 23335
facility not previously authorized to dispose of hazardous waste; 23336
or authority to add a category of hazardous waste management unit 23337
not previously authorized at the facility by the facility's 23338
permit. Notwithstanding any provision of division (I) of this 23339
section to the contrary, a request for authority to add or to 23340
modify an activity or a hazardous waste management unit for the 23341
purposes of performing a corrective action shall be classified and 23342
approved or disapproved by the director under division (I)(5) of 23343
this section. 23344

(d) Authority to treat, store, or dispose of waste types 23345
listed or characterized as reactive or explosive, in rules adopted 23346
under section 3734.12 of the Revised Code, or any acute hazardous 23347
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 23348
previously authorized to treat, store, or dispose of those types 23349
of wastes by the facility's permit unless the requested authority 23350
is limited to wastes that no longer exhibit characteristics 23351
meeting the criteria for listing or characterization as reactive 23352
or explosive wastes, or for listing as acute hazardous waste, but 23353
still are required to carry those waste codes as established in 23354
rules adopted under section 3734.12 of the Revised Code because of 23355
the requirements established in 40 C.F.R. 261(a) and (e), as 23356

amended, that is, the "mixture," "derived-from," or "contained-in" regulations. 23357
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(4) A written request for a modification from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. ~~The director shall transmit to the board requests for Class 3 modifications described in divisions (I)(3)(a) to (d) of this section within two hundred forty days after receiving the requests.~~ Requests for modifications shall be acted upon by the director ~~or the board, as appropriate,~~ in accordance with this section and rules adopted under it. 23359
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(5) Class 1 modification applications that require prior approval of the director, as determined in accordance with rules adopted under division (K) of this section, Class 2 modification applications, and Class 3 modification applications that are not described in divisions (I)(3)(a) to (d) of this section shall be approved or disapproved by the director in accordance with rules adopted under division (K) of this section. The board of county commissioners of the county, the board of township trustees of the township, and the city manager or mayor of the municipal corporation in which a hazardous waste facility is located shall receive notification of any application for a modification for that facility and shall be considered as interested persons with respect to the director's consideration of the application. 23368
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For those modification applications for a transfer of a permit to a new owner or operator of a facility, the director also shall determine that, if the transferee owner or operator has been involved in any prior activity involving the transportation, treatment, storage, or disposal of hazardous waste, the transferee owner or operator has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and 23381
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Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 23389
amended, and all regulations adopted under it, and similar laws 23390
and rules of another state if the transferee owner or operator 23391
owns or operates a facility in that state, that demonstrates 23392
sufficient reliability, expertise, and competency to operate a 23393
hazardous waste facility under this chapter and Chapters 3704. and 23394
6111. of the Revised Code, all rules and standards adopted under 23395
them, and terms and conditions of a hazardous waste facility 23396
installation and operation permit, given the potential for harm to 23397
the public health and safety and the environment that could result 23398
from the irresponsible operation of the facility. A permit may be 23399
transferred to a new owner or operator only pursuant to a Class 3 23400
permit modification. 23401

As used in division (I)(5) of this section: 23402

(a) "Owner" means the person who owns a majority or 23403
controlling interest in a facility. 23404

(b) "Operator" means the person who is responsible for the 23405
overall operation of a facility. 23406

The director shall approve or disapprove an application for a 23407
Class 1 modification that requires the director's approval within 23408
sixty days after receiving the request for modification. The 23409
director shall approve or disapprove an application for a Class 2 23410
modification within three hundred days after receiving the request 23411
for modification. The director shall approve or disapprove an 23412
application for a Class 3 modification ~~that is not described in~~ 23413
~~divisions (I)(3)(a) to (d) of this section~~ within three hundred 23414
sixty-five days after receiving the request for modification. 23415

(6) The approval or disapproval by the director of a Class 1 23416
modification application is not a final action that is appealable 23417
under Chapter 3745. of the Revised Code. The approval or 23418
disapproval by the director of a Class 2 modification or a Class 3 23419

~~modification that is not described in divisions (I)(3)(a) to (d)~~ 23420
~~of this section~~ is a final action that is appealable under that 23421
chapter. In approving or disapproving a request for a 23422
modification, the director shall consider all comments pertaining 23423
to the request that are received during the public comment period 23424
and the public meetings. The administrative record for appeal of a 23425
final action by the director in approving or disapproving a 23426
request for a modification shall include all comments received 23427
during the public comment period relating to the request for 23428
modification, written materials submitted at the public meetings 23429
relating to the request, and any other documents related to the 23430
director's action. 23431

~~(7) The hazardous waste facility board shall approve or~~ 23432
~~disapprove an application for a Class 3 modification transmitted~~ 23433
~~to it under division (I)(4) of this section, or that portion of a~~ 23434
~~permit renewal application that constitutes a Class 3 modification~~ 23435
~~application so transmitted, of a hazardous waste facility~~ 23436
~~installation and operation permit in accordance with division (D)~~ 23437
~~of this section. No other request for a modification shall be~~ 23438
~~subject to division (D)(6) of this section. No aspect of a~~ 23439
~~permitted facility or its operations that is not being modified as~~ 23440
~~described in division (I)(3)(a), (b), (c), or (d) of this section~~ 23441
~~shall be subject to review by the board under division (D) of this~~ 23442
~~section.~~ 23443

~~(8)~~ Notwithstanding any other provision of law to the 23444
contrary, a change or alteration to a hazardous waste facility 23445
described in division (E)(3)(a) or (b) of section 3734.02 of the 23446
Revised Code, or its operations, is a modification for the 23447
purposes of this section. An application for a modification at 23448
such a facility shall be submitted, classified, and approved or 23449
disapproved in accordance with divisions (I)(1) to ~~(7)~~(6) of this 23450
section in the same manner as a modification to a hazardous waste 23451

facility installation and operation permit. 23452

(J)(1) Except as provided in division (J)(2) of this section, 23453
an owner or operator of a hazardous waste facility that is 23454
operating in accordance with a permit by rule under rules adopted 23455
by the director under division (E)(3)(b) of section 3734.02 of the 23456
Revised Code shall submit either a hazardous waste facility 23457
installation and operation permit application for the facility or 23458
a modification application, whichever is required under division 23459
(J)(1)(a) or (b) of this section, within one hundred eighty days 23460
after the director has requested the application or upon a later 23461
date if the owner or operator demonstrates to the director good 23462
cause for the late submittal. 23463

(a) If the owner or operator does not have a hazardous waste 23464
facility installation and operation permit for any hazardous waste 23465
treatment, storage, or disposal activities at the facility, the 23466
owner or operator shall submit an application for such a permit to 23467
the director for the activities authorized by the permit by rule. 23468
Notwithstanding any other provision of law to the contrary, the 23469
director shall approve or disapprove the application for the 23470
permit in accordance with the procedures governing the approval or 23471
disapproval of permit renewals under division (H) of this section. 23472

(b) If the owner or operator has a hazardous waste facility 23473
installation and operation permit for hazardous waste treatment, 23474
storage, or disposal activities at the facility other than those 23475
authorized by the permit by rule, the owner or operator shall 23476
submit to the director a request for modification in accordance 23477
with division (I) of this section. Notwithstanding any other 23478
provision of law to the contrary, the director shall approve or 23479
disapprove the modification application in accordance with ~~rules~~ 23480
~~adopted under~~ division ~~(K)~~(I)(5) of this section. 23481

(2) The owner or operator of a boiler or industrial furnace 23482
that is conducting thermal treatment activities in accordance with 23483

a permit by rule under rules adopted by the director under 23484
division (E)(3)(b) of section 3734.02 of the Revised Code shall 23485
submit a hazardous waste facility installation and operation 23486
permit application if the owner or operator does not have such a 23487
permit for any hazardous waste treatment, storage, or disposal 23488
activities at the facility or, if the owner or operator has such a 23489
permit for hazardous waste treatment, storage, or disposal 23490
activities at the facility other than thermal treatment activities 23491
authorized by the permit by rule, a modification application to 23492
add those activities authorized by the permit by rule, whichever 23493
is applicable, within one hundred eighty days after the director 23494
has requested the submission of the application or upon a later 23495
date if the owner or operator demonstrates to the director good 23496
cause for the late submittal. The application shall be accompanied 23497
by information necessary to support the request. The ~~hazardous~~ 23498
~~waste facility board~~ director shall approve or disapprove ~~the an~~ 23499
application for a hazardous waste facility installation and 23500
operation permit in accordance with division (D) of this section 23501
and approve or disapprove an application for a modification in 23502
accordance with division (I)(3) of this section, except that the 23503
~~board~~ director shall not disapprove an application for the thermal 23504
treatment activities on the basis of the criteria set forth in 23505
division (D)~~(6)~~(2)(g) or (h) of this section. 23506

(3) As used in division (J) of this section: 23507

(a) "Modification application" means a request for a 23508
modification submitted in accordance with division (I) of this 23509
section. 23510

(b) "Thermal treatment," "boiler," and "industrial furnace" 23511
have the same meanings as in rules adopted under section 3734.12 23512
of the Revised Code. 23513

(K) The director shall adopt, and may amend, suspend, or 23514
rescind, rules in accordance with Chapter 119. of the Revised Code 23515

in order to implement divisions (H) and (I) of this section. 23516
Except when in actual conflict with this section, rules governing 23517
the classification of and procedures for the modification of 23518
hazardous waste facility installation and operation permits shall 23519
be substantively and procedurally identical to the regulations 23520
governing hazardous waste facility permitting and permit 23521
modifications adopted under the "Resource Conservation and 23522
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 23523
amended. 23524

Sec. 3734.12. The director of environmental protection shall 23525
adopt and may amend, suspend, and rescind rules in accordance with 23526
Chapter 119. of the Revised Code, which shall be consistent with 23527
and equivalent to the regulations adopted under the "Resource 23528
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 23529
6921, as amended, except for rules adopted under divisions (D) and 23530
(F) of this section governing solid waste facilities and except as 23531
otherwise provided in this chapter, doing all of the following: 23532

(A) Adopting the criteria and procedures established under 23533
the "Resource Conservation and Recovery Act of 1976," 90 Stat. 23534
2806, 42 U.S.C.A. 6921, as amended, for identifying hazardous 23535
waste. The director shall prepare, revise when appropriate, and 23536
publish a list of substances or categories of substances 23537
identified to be hazardous using the criteria specified in 40 23538
C.F.R. 261, as amended, which shall be composed of at least those 23539
substances identified as hazardous pursuant to section 3001(B) of 23540
that act. The director shall not list any waste that the 23541
administrator of the United States environmental protection agency 23542
delisted or excluded by an amendment to the federal regulations, 23543
any waste that the administrator declined to list by publishing a 23544
denial of a rulemaking petition or by withdrawal of a proposed 23545
listing in the United States federal register after May 18, 1980, 23546
or any waste oil or polychlorinated biphenyl not listed by the 23547

administrator.	23548
(B) Establishing standards for generators of hazardous waste necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting all of the following:	23549 23550 23551 23552
(1) Record-keeping practices that accurately identify the quantities of hazardous waste generated, the constituents that are significant in quantity or in potential harm to human health or safety or the environment, and the disposition of the waste;	23553 23554 23555 23556
(2) Labeling of containers used for storage, transportation, or disposal of hazardous waste to identify the waste accurately;	23557 23558
(3) Use of appropriate containers for hazardous waste;	23559
(4) Providing information on the general chemical composition of hazardous waste to persons transporting, treating, storing, or disposing of the waste;	23560 23561 23562
(5) A manifest system requiring a manifest consistent with that prescribed under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, requiring a manifest for any hazardous waste transported off the premises where generated and assuring that all hazardous waste that is transported off the premises where generated is designated for treatment, storage, or disposal in facilities for which a permit has been issued or in the other facilities specified in division (F) of section 3734.02 of the Revised Code;	23563 23564 23565 23566 23567 23568 23569 23570 23571
(6) Submission of such reports to the director as the director determines necessary;	23572 23573
(7) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section;	23574 23575
(8) Obtainment of a United States environmental protection agency identification number.	23576 23577

(C) Establishing standards for transporters of hazardous waste necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting all of the following:	23578
	23579
	23580
	23581
(1) Record-keeping concerning hazardous waste transported, including source and delivery points;	23582
	23583
(2) Submission of such reports to the director as the director determines necessary;	23584
	23585
(3) Transportation of only properly labeled waste;	23586
(4) Compliance with the manifest system required by division (B) of this section;	23587
	23588
(5) Transportation of hazardous waste only to the treatment, storage, or disposal facility that the shipper designates on the manifest to be a facility holding a permit or another facility specified in division (F) of section 3734.02 of the Revised Code;	23589
	23590
	23591
	23592
(6) Contingency plans to minimize unanticipated damage from transportation of hazardous waste;	23593
	23594
(7) Financial responsibility, including, but not limited to, provisions requiring a financial mechanism to cover the costs of spill cleanup and liability for sudden accidental occurrences that result in damage to persons, property, or the environment;	23595
	23596
	23597
	23598
(8) Obtainment of a United States environmental protection agency identification number.	23599
	23600
In the case of any hazardous waste that is subject to the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, the rules shall be consistent with that act and regulations adopted under it.	23601
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	23604
(D) Establishing performance standards for owners and operators of hazardous waste facilities and owners and operators of solid waste facilities, necessary to protect human health or	23605
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	23607

safety or the environment in accordance with this chapter, 23608
including, but not limited to, requirements respecting all of the 23609
following: 23610

(1) Maintaining records of all hazardous waste that is 23611
treated, stored, or disposed of and of the manner in which the 23612
waste was treated, stored, or disposed of or records of all solid 23613
wastes transferred or disposed of and of the manner in which the 23614
wastes were disposed of; 23615

(2) Submission of such reports to the director as the 23616
director determines necessary; 23617

(3) Reporting, monitoring, inspection, and, except with 23618
respect to solid waste facilities, compliance with the manifest 23619
system referred to in division (B) of this section; 23620

(4) Treatment, storage, or disposal of all hazardous waste 23621
received by methods, techniques, and practices approved by the 23622
director and disposal or transfer of all solid wastes received by 23623
methods, techniques, and practices approved by the director; 23624

(5) Location, design, and construction of hazardous waste 23625
facilities and location, design, and construction of solid waste 23626
facilities; 23627

(6) Contingency plans for effective action to minimize 23628
unanticipated damage from treatment, storage, or disposal of 23629
hazardous waste and the disposal or transfer of solid wastes; 23630

(7) Ownership, continuity of operation, training for 23631
personnel, and financial responsibility, including the filing of 23632
closure and post-closure financial assurance, if applicable. No 23633
private entity shall be precluded by reason of these requirements 23634
from the ownership or operation of facilities providing hazardous 23635
waste treatment, storage, or disposal services if the entity can 23636
provide assurances of financial responsibility and continuity of 23637
operation consistent with the degree and duration of risks 23638

associated with the treatment, storage, or disposal of specified hazardous waste. 23639
23640

(8) Closure and post-closure care of a hazardous waste facility where hazardous waste will no longer be treated, stored, or disposed of and of a solid waste facility where solid wastes will no longer be disposed of or transferred; 23641
23642
23643
23644

(9) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section; 23645
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(10) Obtainment of a United States environmental protection agency identification number for each hazardous waste treatment, storage, or disposal facility; 23647
23648
23649

(11) Trial burns and land treatment demonstrations. 23650

The rules adopted under divisions (D) and (F) of this section pertaining to solid waste facilities do not apply to scrap tire collection, storage, monocell, monofill, and recovery facilities. Those facilities are subject to and governed by rules adopted under sections 3734.70 to 3734.73 of the Revised Code, as applicable. 23651
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(E) Governing the issuance, modification, revocation, suspension, withdrawal, and denial of installation and operation permits, draft permits, and transportation certificates of registration; 23657
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(F) Specifying information required to be included in applications for hazardous waste facility installation and operation permits and solid waste permits, including, but not limited to, detail plans, specifications, and information respecting all of the following: 23661
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23665

(1) The composition, quantities, and concentrations of hazardous waste and solid wastes to be stored, treated, transported, or disposed of and such other information as the 23666
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23668

director may require regarding the method of operation; 23669

(2) The facility to which the waste will be transported or 23670
where it will be stored, treated, or disposed of; 23671

(3) The closure and post-closure care of a facility where 23672
hazardous waste will no longer be treated, stored, or disposed of 23673
and of a solid waste facility where solid wastes will no longer be 23674
disposed of or transferred. 23675

(G) Establishing procedures ensuring that all information 23676
entitled to protection as trade secrets disclosed to the director 23677
or the director's authorized representative is not disclosed 23678
without the consent of the owner, except that such information may 23679
be disclosed, upon request, to authorized representatives of the 23680
United States environmental protection agency, or as required by 23681
law. As used in this section, "trade secrets" means any formula, 23682
plan, pattern, process, tool, mechanism, compound, procedure, 23683
production date, or compilation of information that is not 23684
patented, that is known only to certain individuals within a 23685
commercial concern who are using it to fabricate, produce, or 23686
compound an article, trade, or service having commercial value, 23687
and that gives its user an opportunity to obtain a business 23688
advantage over competitors who do not know or use it. 23689

(H) Prohibiting the disposal of specified hazardous wastes in 23690
this state if the director has determined both of the following: 23691

(1) The potential impacts on human health or safety or the 23692
environment are such that disposal of those wastes should not be 23693
allowed. 23694

(2) A technically feasible and environmentally sound 23695
alternative is reasonably available, either within or outside this 23696
state, for processing, recycling, fixation of, neutralization of, 23697
or other treatment of those wastes. Such reasonable availability 23698
shall not be determined without a consideration of the costs to 23699

the generator of implementing the alternatives. 23700

The director shall adopt, and may amend, suspend, or rescind, 23701
rules to specify hazardous wastes that shall not be disposed of in 23702
accordance with this division. Nothing in this division, either 23703
prior to or after adoption of those rules, shall preclude the 23704
director ~~or the hazardous waste facility board created in section~~ 23705
~~3734.05 of the Revised Code~~ from prohibiting the disposal of 23706
specified hazardous wastes at particular facilities under the 23707
terms or conditions of a permit or ~~preclude the director from~~ 23708
~~prohibiting that disposal~~ by order. 23709

(I)(1)(a) Governing the following that may be more stringent 23710
than the regulations adopted under the "Resource Conservation and 23711
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 23712
amended, when the director determines that such more stringent 23713
rules are reasonable in order to protect human health or safety or 23714
the environment: 23715

(i) Specific wastes that the director determines, because of 23716
their physical, chemical, or biological characteristics, are so 23717
extremely hazardous that the storage, treatment, or disposal of 23718
the wastes in compliance with those regulations would present an 23719
imminent danger to human health or safety or the environment; 23720

(ii) The use of only properly designed, operated, and 23721
approved transfer facilities; 23722

(iii) Preventing illegitimate activities relating to the 23723
reuse, recycling, or reclaiming of hazardous waste, including 23724
record-keeping, reporting, and manifest requirements. 23725

(b) In adopting such more stringent rules, the director shall 23726
give consideration to and base the rules on evidence concerning 23727
factors including, but not limited to, the following insofar as 23728
pertinent: 23729

(i) Geography of the state; 23730

(ii) Geology of the state;	23731
(iii) Hydrogeology of the state;	23732
(iv) Climate of the state;	23733
(v) Engineering and technical feasibility;	23734
(vi) Availability of alternative technologies or methods of storage, treatment, or disposal.	23735 23736
(2) The director may require from generators and transporters of hazardous waste and from owners or operators of treatment, storage, or disposal facilities, the submission of reports in addition to those required under regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, to the extent that such reports contain information that the generator, transporter, or facility owner or operator is required to obtain in order to comply with the regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, or to the extent that such reports are required by the director to meet the requirements of division (B)(7), (D)(9), or (H) of this section or section 3734.121 of the Revised Code.	23737 23738 23739 23740 23741 23742 23743 23744 23745 23746 23747 23748 23749 23750
(J) Governing the storage, treatment, or disposal of hazardous waste in, and the permitting, design, construction, operation, monitoring, inspection, closure, and post-closure care of, hazardous waste underground injection wells, surface impoundments, waste piles other than those composed of materials removed from the ground as part of coal or mineral extraction or cleaning processes, land treatment facilities, thermal treatment facilities, and landfills that may be more stringent than the regulations adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, whenever the director reasonably determines that federal	23751 23752 23753 23754 23755 23756 23757 23758 23759 23760 23761

regulations will not adequately protect the public health or 23762
safety or the environment of this state with respect to the 23763
subject matter of the more stringent rules. Such more stringent 23764
rules shall be developed to achieve a degree of protection, as 23765
determined by the director, consistent with the degree of hazard 23766
potentially posed by the various wastes or categories of wastes to 23767
be treated, stored, or disposed of and the types of facilities at 23768
which they are to be treated, stored, or disposed of. In adopting 23769
such more stringent rules, the director shall give consideration 23770
to and base the rules on evidence concerning factors including, 23771
but not limited to, the following insofar as pertinent: 23772

(1) Geography of the state; 23773

(2) Geology of the state; 23774

(3) Hydrogeology of the state; 23775

(4) Climate of the state; 23776

(5) Engineering and technical feasibility; 23777

(6) Availability of alternative technologies or methods of 23778
storage, treatment, or disposal. 23779

(K) Establishing performance standards and other requirements 23780
necessary to protect public health and the environment from 23781
hazards associated with used oil, including, without limitation, 23782
standards and requirements respecting all of the following: 23783

(1) Material that is subject to regulation as used oil; 23784

(2) Generation of used oil; 23785

(3) Used oil collection centers and aggregation points; 23786

(4) Transportation of used oil; 23787

(5) Processing and re-refining of used oil; 23788

(6) Burning of used oil; 23789

(7) Marketing of used oil; 23790

(8) Disposal of used oil; 23791

(9) Use of used oil as a dust suppressant. 23792

Sec. 3734.123. (A) As used in this section and section 23793
3734.124 of the Revised Code, "commercial hazardous waste 23794
incinerator" means an enclosed device that treats hazardous waste 23795
by means of controlled flame combustion and that accepts for 23796
treatment hazardous waste that is generated off the premises on 23797
which the device is located by any person other than the one who 23798
owns or operates the device or one who controls, is controlled by, 23799
or is under common control with the person who owns or operates 23800
the device. "Commercial hazardous waste incinerator" does not 23801
include any "boiler" or "industrial furnace" as those terms are 23802
defined in rules adopted under section 3734.12 of the Revised 23803
Code. 23804

(B) Not sooner than three years after April 15, 1993, and 23805
triennially thereafter, the director of environmental protection 23806
shall prepare, publish, and issue as a final action an assessment 23807
of commercial hazardous waste incinerator capacity in this state. 23808
However, after the issuance as a final action of a determination 23809
under division (A) of section 3734.124 of the Revised Code that 23810
terminates the restrictions established in division (C) of this 23811
section, the director shall cease preparing, publishing, and 23812
issuing the periodic assessments required under this division. The 23813
assessment shall determine the amount of commercial hazardous 23814
waste incinerator capacity needed to manage the hazardous waste 23815
expected to be generated in this state and imported into this 23816
state for incineration at commercial hazardous waste incinerators 23817
during the next succeeding twenty calendar years. The assessment 23818
shall include at least all of the following: 23819

(1) A determination of the aggregate treatment capacity 23820
authorized at commercial hazardous waste incinerators located in 23821

this state; 23822

(2) A determination of the quantity of hazardous waste 23823
generated in this state that is being treated at commercial 23824
hazardous waste incinerators located in this state and projections 23825
of the quantity of hazardous waste generated in this state that 23826
will be treated at those facilities; 23827

(3) A determination of the quantity of hazardous waste 23828
generated outside this state that is being treated at commercial 23829
hazardous waste incinerators located in this state and projections 23830
of the quantity of hazardous waste generated outside this state 23831
that will be treated at those facilities; 23832

(4) A determination of the quantity of hazardous waste 23833
generated in this state that is being treated at commercial 23834
hazardous waste incinerators located outside this state, and 23835
projections of the quantity of hazardous waste generated in this 23836
state that will be treated at those facilities; 23837

(5) The amount of commercial hazardous waste incinerator 23838
capacity that the director reasonably anticipates will be needed 23839
during the first three years of the planning period to treat 23840
hazardous waste generated from the remediation of sites in this 23841
state that are on the national priority list required under the 23842
"Comprehensive Environmental Response, Compensation, and Liability 23843
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; as a 23844
result of corrective actions implemented under the "Resource 23845
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 23846
6921, as amended; and as a result of clean-up activities conducted 23847
at sites listed on the master sites list prepared by the 23848
environmental protection agency; 23849

(6) Based upon available data, provided that the data are 23850
reliable and are compatible with the data base of the 23851
environmental protection agency, an identification of any 23852

hazardous waste first listed as a hazardous waste in regulations 23853
adopted under the "Resource Conservation and Recovery Act of 23854
1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, on or after 23855
April 15, 1993, and of any hazardous waste that has been proposed 23856
for such listing by publication of a notice in the federal 23857
register on or before December 1 of the year immediately preceding 23858
the triennial assessment; 23859

(7) An analysis of other factors that may result in capacity 23860
changes over the period addressed by the assessment. 23861

(C) Except as otherwise provided in section 3734.124 of the 23862
Revised Code, none of the following shall occur on or after April 23863
15, 1993: 23864

(1) The director shall not do any of the following: 23865

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 23866
of the Revised Code, as applicable, transmit to the hazardous 23867
waste facility board created in that section any application for a 23868
Issue any hazardous waste facility installation and operation 23869
permit under division (D) of section 3745.05 of the Revised Code 23870
for the establishment of a new commercial hazardous waste 23871
incinerator, or any request for a modification, as described in 23872
divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, 23873
of an existing commercial hazardous waste incinerator to increase 23874
either the treatment capacity of the incinerator or the quantity 23875
of hazardous waste authorized to be treated by it, for which the 23876
staff of the environmental protection agency has made a 23877
preliminary determination as to whether the application or request 23878
appears to comply with the rules and standards set forth under 23879
divisions (D), (I), and (J) of section 3734.12 of the Revised 23880
Code; 23881~~

~~(b) Issue issue any modified hazardous waste facility 23882
installation and operation permit under division (I)(5) of that 23883~~

section ~~3734.05~~ of the Revised Code that would authorize an 23884
increase in either the treatment capacity of a commercial 23885
hazardous waste incinerator or the quantity of hazardous waste 23886
authorized to be treated by it; 23887

~~(e)~~(b) Issue any permit pursuant to rules adopted under 23888
division (F) of section 3704.03 of the Revised Code, division (J) 23889
of section 6111.03 of the Revised Code, or the solid waste 23890
provisions of this chapter and rules adopted under those 23891
provisions, that is necessary for the establishment, modification, 23892
or operation of any appurtenant facility or equipment that is 23893
necessary for the operation of a new commercial hazardous waste 23894
incinerator, or the modification of such an existing incinerator 23895
to increase either the treatment capacity of the incinerator or 23896
the quantity of hazardous waste that is authorized to be treated 23897
by it. Upon determining that an application for any permit 23898
pertains to the establishment, modification, or operation of any 23899
appurtenant facility or equipment, the director shall cease 23900
reviewing the application and return the application and 23901
accompanying materials to the applicant along with a written 23902
notice that division (C)(1)~~(e)~~(b) of this section precludes the 23903
director from reviewing and acting upon the application. 23904

~~(d)~~(c) Issue any exemption order under division (G) of 23905
section 3734.02 of the Revised Code exempting the establishment of 23906
a new commercial hazardous waste incinerator; the modification of 23907
an existing facility to increase either the treatment capacity of 23908
the incinerator or the quantity of hazardous waste that is 23909
authorized to be treated by it; or the establishment, 23910
modification, or operation of any facility or equipment 23911
appurtenant to a new or modified commercial hazardous waste 23912
incinerator, from divisions (C)(1)(a) ~~or~~ (b) ~~or~~ ~~(e)~~ or (C)(2) ~~or~~ 23913
~~(3)~~ of this section. 23914

(2) ~~The staff of the environmental protection agency shall~~ 23915

~~not take any action under division (D)(3) of section 3734.05 of~~ 23916
~~the Revised Code to review, or to make a preliminary determination~~ 23917
~~of compliance with the rules and standards set forth in divisions~~ 23918
~~(D), (I), and (J) of section 3734.12 of the Revised Code~~ 23919
~~regarding, any~~ If the director determines that an application for 23920
~~a hazardous waste facility installation and operation permit~~ 23921
~~submitted under division (D)(3) of section 3734.05 of the Revised~~ 23922
~~Code that~~ pertains to the establishment of a new commercial 23923
~~hazardous waste incinerator, or any~~ a request for a modification 23924
~~of an existing incinerator~~ submitted under division (I)(4) of that 23925
~~section to modify an existing incinerator~~ pertains to an increase 23926
~~of either the treatment capacity of the incinerator or the~~ 23927
~~quantity of hazardous waste that is authorized to be treated by~~ 23928
~~it. Upon determining that an application or request submitted~~ 23929
~~under those divisions~~ pertains to the establishment of a new 23930
~~commercial hazardous waste incinerator or the modification of an~~ 23931
~~existing incinerator, the staff of the agency~~ director shall cease 23932
~~reviewing the application or request and shall return it and the~~ 23933
~~accompanying materials to the applicant along with a written~~ 23934
~~notice that division (C)(2) of this section precludes the staff~~ 23935
~~from reviewing or making any preliminary determination of~~ 23936
~~compliance regarding~~ review of the application or request. 23937

~~(3) The hazardous waste facility board created in section~~ 23938
~~3734.05 of the Revised Code shall not do either of the following:~~ 23939

~~(a) Approve any application for a hazardous waste facility~~ 23940
~~installation and operation permit, or issue any permit, under~~ 23941
~~divisions (D) and (F) of section 3734.05 of the Revised Code that~~ 23942
~~authorizes the establishment and operation of a new commercial~~ 23943
~~hazardous waste incinerator;~~ 23944

~~(b) Approve any request to modify an existing commercial~~ 23945
~~hazardous waste incinerator under divisions (D) and (I)(7) of~~ 23946
~~section 3734.05 of the Revised Code that authorizes an increase in~~ 23947

~~either the treatment capacity of the incinerator or the quantity~~ 23948
~~of hazardous waste authorized to be treated by it.~~ 23949

Sec. 3734.124. (A) Promptly after issuing a periodic 23950
assessment under division (B) of section 3734.123 of the Revised 23951
Code, the director of environmental protection shall make a 23952
determination as to whether it is necessary or appropriate to 23953
continue the restrictions established in division (C) of section 23954
3734.123 of the Revised Code during the period of time between the 23955
issuance of the assessment and the issuance of the next succeeding 23956
periodic assessment or as to whether it is necessary or 23957
appropriate to terminate the restrictions. The director shall 23958
consider all of the following when making a determination under 23959
this division: 23960

(1) The findings of the assessment; 23961

(2) The findings of an evaluation conducted by the director, 23962
in consultation with the chairperson of the state emergency 23963
response commission created in section 3750.02 of the Revised 23964
Code, regarding the capability of this state to respond to the 23965
types and frequencies of releases of hazardous waste that are 23966
likely to occur at commercial hazardous waste incinerators; 23967

(3) The effect that a new commercial hazardous waste 23968
incinerator may have on ambient air quality in this state; 23969

(4) The findings of a review of relevant information 23970
regarding the impacts of commercial hazardous waste incinerators 23971
on human health and the environment, such as health studies and 23972
risk assessments; 23973

(5) The findings of a review of the operational records of 23974
commercial hazardous waste incinerators operating in this state; 23975

(6) The findings of any review of relevant information 23976
concerning the following: 23977

(a) The cost of and access to commercial hazardous waste incinerator capacity;	23978 23979
(b) The length of time and the regulatory review process necessary to fully permit a commercial hazardous waste incinerator;	23980 23981 23982
(c) Access to long-term capital investment to fund the building of a commercial hazardous waste incinerator in this state;	23983 23984 23985
(d) Efforts by generators of hazardous waste accepted by commercial hazardous waste incinerators to reduce the amount of hazardous waste that they generate.	23986 23987 23988
(7) Regulatory and legislative concerns that may include, without limitation, the provisions of paragraphs (a) and (b) of 40 C.F.R. 271.4, as they existed on April 15, 1993.	23989 23990 23991
If, after considering all of the information and concerns that the director is required to consider under divisions (A)(1) to (7) of this section, the director determines that it is necessary or appropriate to terminate the restrictions established in division (C) of section 3734.123 of the Revised Code in order to protect human health or safety or the environment, the director shall issue as a final action a written determination to that effect. If the director determines that it is necessary or appropriate for those purposes to continue the restrictions until the issuance of the next succeeding periodic assessment under division (B) of section 3734.123 of the Revised Code, the director shall issue as a final action a written determination to that effect. After the issuance as a final action of a determination under this division that it is necessary or appropriate to terminate the restrictions established in division (C) of section 3734.123 of the Revised Code, the director shall cease making the periodic determinations required under this division.	23992 23993 23994 23995 23996 23997 23998 23999 24000 24001 24002 24003 24004 24005 24006 24007 24008

(B) Beginning three years after April 15, 1993, but only on 24009
and after the date of issuance as final actions of an assessment 24010
under division (B) of section 3734.123 of the Revised Code and a 24011
determination under division (A) of this section that it is 24012
necessary or appropriate to terminate the restrictions established 24013
in division (C) of section 3734.123 of the Revised Code, ~~any of~~ 24014
~~the following may occur:~~ 24015

~~(1) The the director may do any of the following:~~ 24016

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 24017
of the Revised Code, as applicable, transmit to the hazardous 24018
waste facility board created in that section an application for a 24019
hazardous waste facility installation and operation permit that 24020
pertains to the establishment of a new commercial hazardous waste 24021
incinerator, or a request for a modification, as described in 24022
divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, 24023
of a commercial hazardous waste incinerator to increase either the 24024
treatment capacity of the incinerator or the quantity of hazardous 24025
waste authorized to be treated by it, for which the staff of the 24026
environmental protection agency has made a preliminary 24027
determination as to whether the application or request appears to 24028
comply with the rules and standards set forth under divisions (D), 24029
(I), and (K) of section 3734.05 of the Revised Code;~~ 24030

~~(b) To the extent otherwise authorized in division (I)(5) of 24031
section 3734.05 of the Revised Code, issue a modified hazardous 24032
waste facility installation and operation permit under that 24033
division that authorizes an increase in either the treatment 24034
capacity of a commercial hazardous waste incinerator or the 24035
quantity of hazardous waste authorized to be treated by it;~~ 24036

~~(e)(1) To the extent otherwise authorized thereunder, issue 24037
any permit pursuant to rules adopted under division (F) of section 24038
3704.03 of the Revised Code, division (J) of section 6111.03 of 24039~~

the Revised Code, or the solid waste provisions of this chapter 24040
and rules adopted under those provisions, that is necessary for 24041
the establishment, modification, or operation of any appurtenant 24042
facility or equipment that is necessary for the operation of a new 24043
commercial hazardous waste incinerator, or for the modification of 24044
an existing incinerator to increase either the treatment capacity 24045
of the incinerator or the quantity of hazardous waste authorized 24046
to be treated by it; 24047

~~(d)(2)~~ To the extent otherwise authorized in division (G) of 24048
section 3734.02 of the Revised Code, issue an order exempting the 24049
establishment of a new commercial hazardous waste incinerator; the 24050
modification of an existing incinerator to increase either the 24051
treatment capacity of the incinerator or the quantity of hazardous 24052
waste that is authorized to be treated by it; or the 24053
establishment, modification, or operation of any facility or 24054
equipment appurtenant to a new or modified commercial hazardous 24055
waste incinerator, from division (C)(1)(a), or (b), ~~or (e)~~ or 24056
(C)(2) ~~or (3)~~ of section 3734.123 of the Revised Code. 24057

~~(2) The staff of the environmental protection agency may do 24058
both of the following: 24059~~

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 24060
of the Revised Code, review an application for a hazardous waste 24061
facility installation and operation permit to establish a new 24062
commercial hazardous waste incinerator or a request to modify an 24063
existing incinerator to increase either the treatment capacity of 24064
the incinerator or the quantity of hazardous waste authorized to 24065
be treated by it; 24066~~

~~(b) Pursuant to division (D)(3) or (I)(4) of section 3734.05 24067
of the Revised Code, make a preliminary determination as to 24068
whether an application for a hazardous waste facility permit to 24069
install and operate a new commercial hazardous waste incinerator 24070
or a request to modify an existing incinerator to increase either 24071~~

~~the treatment capacity of the incinerator or the quantity of~~ 24072
~~hazardous waste authorized to be treated by it appears to comply~~ 24073
~~with the rules and performance standards set forth under divisions~~ 24074
~~(D), (I), and (J) of section 3734.12 of the Revised Code.~~ 24075

~~(3) The hazardous waste facility board may do both of the~~ 24076
~~following:~~ 24077

~~(a) Approve or disapprove an application for a hazardous~~ 24078
~~waste facility installation and operation permit, and issue a~~ 24079
~~permit, under divisions division (D) and (F) of section 3734.05 of~~ 24080
~~the Revised Code for a new commercial hazardous waste incinerator;~~ 24081

~~(b) Under divisions (D) and (I)(7) of that section, approve~~ 24082
(4) Approve or disapprove under division (I) of section 3734.05 of 24083
the Revised Code a request to modify the permit of an existing 24084
commercial hazardous waste incinerator to increase either the 24085
treatment capacity of the incinerator or the quantity of hazardous 24086
waste authorized to be treated by it. 24087

Sec. 3734.18. (A) There are hereby levied fees on the 24088
disposal of hazardous waste to be collected according to the 24089
following schedule at each disposal facility to which ~~the~~ 24090
~~hazardous waste facility board has issued~~ a hazardous waste 24091
facility installation and operation permit or ~~the director of~~ 24092
~~environmental protection has issued a renewal of a permit pursuant~~ 24093
~~to section 3734.05 of the Revised Code~~ has been issued under this 24094
chapter: 24095

(1) For disposal facilities that are off-site facilities as 24096
defined in division (E) of section 3734.02 of the Revised Code, 24097
fees shall be levied at the rate of four dollars and fifty cents 24098
per ton for hazardous waste disposed of by deep well injection and 24099
nine dollars per ton for hazardous waste disposed of by land 24100
application or landfilling. The owner or operator of the facility, 24101
as a trustee for the state, shall collect the fees and forward 24102

them to the director in accordance with rules adopted under this section. 24103
24104

(2) For disposal facilities that are on-site or satellite 24105
facilities, as defined in division (E) of section 3734.02 of the 24106
Revised Code, fees shall be levied at the rate of two dollars per 24107
ton for hazardous waste disposed of by deep well injection and 24108
four dollars per ton for hazardous waste disposed of by land 24109
application or landfilling. The maximum annual disposal fee for an 24110
on-site disposal facility that disposes of one hundred thousand 24111
tons or less of hazardous waste in a year is twenty-five thousand 24112
dollars. The maximum annual disposal fee for an on-site facility 24113
that disposes of more than one hundred thousand tons of hazardous 24114
waste in a year by land application or landfilling is fifty 24115
thousand dollars, and the maximum annual fee for an on-site 24116
facility that disposes of more than one hundred thousand tons of 24117
hazardous waste in a year by deep well injection is one hundred 24118
thousand dollars. The maximum annual disposal fee for a satellite 24119
facility that disposes of one hundred thousand tons or less of 24120
hazardous waste in a year is thirty-seven thousand five hundred 24121
dollars, and the maximum annual disposal fee for a satellite 24122
facility that disposes of more than one hundred thousand tons of 24123
hazardous waste in a year is seventy-five thousand dollars, except 24124
that a satellite facility defined under division (E)(3)(b) of 24125
section 3734.02 of the Revised Code that receives hazardous waste 24126
from a single generation site is subject to the same maximum 24127
annual disposal fees as an on-site disposal facility. The owner or 24128
operator shall pay the fee to the director each year upon the 24129
anniversary of the date of issuance of the owner's or operator's 24130
installation and operation permit during the term of that permit 24131
and any renewal permit issued under division (H) of section 24132
3734.05 of the Revised Code. If payment is late, the owner or 24133
operator shall pay an additional ten per cent of the amount of the 24134
fee for each month that it is late. 24135

(B) There are hereby levied fees at the rate of two dollars 24136
per ton on hazardous waste that is treated at treatment facilities 24137
that are not on-site or satellite facilities, as defined in 24138
division (E) of section 3734.02 of the Revised Code, to which ~~the~~ 24139
~~hazardous waste facility board has issued~~ a hazardous waste 24140
facility installation and operation permit or ~~the director~~ renewal 24141
of a permit has been issued ~~a renewal permit under this chapter,~~ 24142
or that are not subject to the hazardous waste facility 24143
installation and operation permit requirements under rules adopted 24144
by the director. 24145

(C) There are hereby levied additional fees on the treatment 24146
and disposal of hazardous waste at the rate of ten per cent of the 24147
applicable fees prescribed in division (A) or (B) of this section 24148
for the purposes of paying the costs of municipal corporations and 24149
counties for conducting reviews of applications for hazardous 24150
waste facility installation and operation permits for proposed new 24151
or modified hazardous waste landfills within their boundaries, 24152
emergency response actions with respect to releases of hazardous 24153
waste from hazardous waste facilities within their boundaries, 24154
monitoring the operation of such hazardous waste facilities, and 24155
local waste management planning programs. The owner or operator of 24156
a facility located within a municipal corporation, as a trustee 24157
for the municipal corporation, shall collect the fees levied by 24158
this division and forward them to the treasurer of the municipal 24159
corporation or such officer as, by virtue of the charter, has the 24160
duties of the treasurer in accordance with rules adopted under 24161
this section. The owner or operator of a facility located in an 24162
unincorporated area, as a trustee of the county in which the 24163
facility is located, shall collect the fees levied by this 24164
division and forward them to the county treasurer of that county 24165
in accordance with rules adopted under this section. The owner or 24166
operator shall pay the fees levied by this division to the 24167

treasurer or such other officer of the municipal corporation or to 24168
the county treasurer each year upon the anniversary of the date of 24169
issuance of the owner's or operator's installation and operation 24170
permit during the term of that permit and any renewal permit 24171
issued under division (H) of section 3734.05 of the Revised Code. 24172
If payment is late, the owner or operator shall pay an additional 24173
ten per cent of the amount of the fee for each month that the 24174
payment is late. 24175

Moneys received by a municipal corporation under this 24176
division shall be paid into a special fund of the municipal 24177
corporation and used exclusively for the purposes of conducting 24178
reviews of applications for hazardous waste facility installation 24179
and operation permits for new or modified hazardous waste 24180
landfills located or proposed within the municipal corporation, 24181
conducting emergency response actions with respect to releases of 24182
hazardous waste from facilities located within the municipal 24183
corporation, monitoring operation of such hazardous waste 24184
facilities, and conducting waste management planning programs 24185
within the municipal corporation through employees of the 24186
municipal corporation or pursuant to contracts entered into with 24187
persons or political subdivisions. Moneys received by a board of 24188
county commissioners under this division shall be paid into a 24189
special fund of the county and used exclusively for those purposes 24190
within the unincorporated area of the county through employees of 24191
the county or pursuant to contracts entered into with persons or 24192
political subdivisions. 24193

(D) As used in this section, "treatment" or "treated" does 24194
not include any method, technique, or process designed to recover 24195
energy or material resources from the waste or to render the waste 24196
amenable for recovery. The fees levied by division (B) of this 24197
section do not apply to hazardous waste that is treated and 24198
disposed of on the same premises or by the same person. 24199

(E) The director, by rules adopted in accordance with 24200
Chapters 119. and 3745. of the Revised Code, shall prescribe any 24201
dates not specified in this section and procedures for collecting 24202
and forwarding the fees prescribed by this section and may 24203
prescribe other requirements that are necessary to carry out this 24204
section. 24205

The director shall deposit the moneys collected under 24206
divisions (A) and (B) of this section into one or more minority 24207
banks, as "minority bank" is defined in division (F)(1) of section 24208
135.04 of the Revised Code, to the credit of the hazardous waste 24209
facility management fund, which is hereby created in the state 24210
treasury, except that the director shall deposit to the credit of 24211
the underground injection control fund created in section 6111.046 24212
of the Revised Code moneys in excess of fifty thousand dollars 24213
that are collected during a fiscal year under division (A)(2) of 24214
this section from the fee levied on the disposal of hazardous 24215
waste by deep well injection at an on-site disposal facility that 24216
disposes of more than one hundred thousand tons of hazardous waste 24217
in a year. 24218

The environmental protection agency ~~and the hazardous waste~~ 24219
~~facility board~~ may use moneys in the hazardous waste facility 24220
management fund for administration of the hazardous waste program 24221
established under this chapter and, in accordance with this 24222
section, may request approval by the controlling board for that 24223
use on an annual basis. In addition, the agency may use and pledge 24224
moneys in that fund for repayment of and for interest on any loans 24225
made by the Ohio water development authority to the agency for the 24226
hazardous waste program established under this chapter without the 24227
necessity of requesting approval by the controlling board, which 24228
use and pledge shall have priority over any other use of the 24229
moneys in the fund. 24230

Until September 28, 1996, the director also may use moneys in 24231

the fund to pay the start-up costs of administering Chapter 3746. 24232
of the Revised Code. 24233

If moneys in the fund that the agency uses in accordance with 24234
this chapter are reimbursed by grants or other moneys from the 24235
United States government, the grants or other moneys shall be 24236
placed in the fund. 24237

Before the agency makes any expenditure from the fund other 24238
than for repayment of and interest on any loan made by the Ohio 24239
water development authority to the agency in accordance with this 24240
section, the controlling board shall approve the expenditure. 24241

Sec. 3734.28. All moneys collected under sections 3734.122, 24242
3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 24243
Code and natural resource damages collected by the state under the 24244
"Comprehensive Environmental Response, Compensation, and Liability 24245
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 24246
be paid into the state treasury to the credit of the hazardous 24247
waste clean-up fund, which is hereby created. The environmental 24248
protection agency shall use the moneys in the fund for the 24249
purposes set forth in division (D) of section 3734.122, sections 24250
3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 24251
and, through ~~June 30, 2003~~ October 15, 2005, divisions (A)(1) and 24252
(2) of section 3745.12 and Chapter 3746. of the Revised Code, 24253
including any related enforcement expenses. In addition, the 24254
agency shall use the moneys in the fund to pay the state's 24255
long-term operation and maintenance costs or matching share for 24256
actions taken under the "Comprehensive Environmental Response, 24257
Compensation, and Liability Act of 1980," as amended. If those 24258
moneys are reimbursed by grants or other moneys from the United 24259
States or any other person, the moneys shall be placed in the fund 24260
and not in the general revenue fund. 24261

Sec. 3734.42. (A)(1) Except as otherwise provided in division 24262
(E)(2) of this section, every applicant for a permit other than a 24263
permit modification or renewal shall file a disclosure statement, 24264
on a form developed by the attorney general, with the director of 24265
environmental protection and the attorney general at the same time 24266
the applicant files an application for a permit other than a 24267
permit modification or renewal with the director. 24268

24269

(2) Any individual required to be listed in the disclosure 24270
statement shall be fingerprinted for identification and 24271
investigation purposes in accordance with procedures established 24272
by the attorney general. An individual required to be 24273
fingerprinted under this section shall not be required to be 24274
fingerprinted more than once under this section. 24275

(3) The attorney general, within one hundred eighty days 24276
after receipt of the disclosure statement from an applicant for a 24277
permit, shall prepare and transmit to the director an 24278
investigative report on the applicant, based in part upon the 24279
disclosure statement, except that this deadline may be extended 24280
for a reasonable period of time, for good cause, by the director 24281
or the attorney general. In preparing this report, the attorney 24282
general may request and receive criminal history information from 24283
the federal bureau of investigation and any other law enforcement 24284
agency or organization. The attorney general may provide such 24285
confidentiality regarding the information received from a law 24286
enforcement agency as may be imposed by that agency as a condition 24287
for providing that information to the attorney general. 24288

(4) The review of the application by the director ~~or the~~ 24289
~~hazardous waste facility board~~ shall include a review of the 24290
disclosure statement and investigative report. 24291

(B) All applicants and permittees shall provide any 24292

assistance or information requested by the director or the 24293
attorney general and shall cooperate in any inquiry or 24294
investigation conducted by the attorney general and any inquiry, 24295
investigation, or hearing conducted by the director ~~or the~~ 24296
~~hazardous waste facility board~~. If, upon issuance of a formal 24297
request to answer any inquiry or produce information, evidence, or 24298
testimony, any applicant or permittee, any officer, director, or 24299
partner of any business concern, or any key employee of the 24300
applicant or permittee refuses to comply, the permit of the 24301
applicant or permittee may be denied or revoked by the director ~~or~~ 24302
~~the board~~. 24303

(C) The attorney general may charge and collect such fees 24304
from applicants and permittees as are necessary to cover the costs 24305
of administering and enforcing the investigative procedures 24306
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 24307
attorney general shall transmit moneys collected under this 24308
division to the treasurer of state to be credited to the solid and 24309
hazardous waste background investigations fund, which is hereby 24310
created in the state treasury. Moneys in the fund shall be used 24311
solely for paying the attorney general's costs of administering 24312
and enforcing the investigative procedures authorized in sections 24313
3734.41 to 3734.47 of the Revised Code. 24314

(D) Annually on the anniversary date of the submission to the 24315
director by the attorney general of the investigative report for a 24316
specific facility, or annually on another date assigned by the 24317
attorney general, the appropriate applicant, permittee, or 24318
prospective owner shall submit to the attorney general, on a form 24319
provided by the attorney general, any and all information required 24320
to be included in a disclosure statement that has changed or been 24321
added in the immediately preceding year. If, in the immediately 24322
preceding year, there have been no changes in or additions to the 24323
information required to be included in a disclosure statement, the 24324

appropriate applicant, permittee, or prospective owner shall 24325
submit to the attorney general an affidavit stating that there 24326
have been no changes in or additions to that information during 24327
that time period. 24328

Notwithstanding the requirement for an annual submission of 24329
information, the following information shall be submitted within 24330
the periods specified: 24331

(1) Information required to be included in the disclosure 24332
statement for any new officer, director, partner, or key employee, 24333
to be submitted within ninety days from the addition of the 24334
officer, director, partner, or key employee; 24335

(2) Information required to be included in a disclosure 24336
statement for any new business concern, to be submitted within 24337
ninety days from the addition of the new business concern; 24338

(3) Information regarding any new criminal conviction, to be 24339
submitted within ninety days from the judgment entry of 24340
conviction. 24341

The failure to provide such information may constitute the 24342
basis for the revocation or denial of renewal of any permit or 24343
license issued in accordance with this chapter, provided that 24344
prior to any such denial or revocation, the director shall notify 24345
the applicant or permittee of the director's intention to do so 24346
and give the applicant or permittee fourteen days from the date of 24347
the notice to explain why the information was not provided. The 24348
director shall consider this information when determining whether 24349
to revoke or deny the permit or license. 24350

Nothing in this division affects the rights of the director 24351
or the attorney general granted under sections 3734.40 to 3734.47 24352
of the Revised Code to request information from a person at any 24353
other time. 24354

(E)(1) Except as otherwise provided in division (E)(2) of 24355

this section, every permittee who is not otherwise required to 24356
file a disclosure statement shall file a disclosure statement 24357
within five years after June 24, 1988, pursuant to a schedule for 24358
submissions of disclosure statements developed by the attorney 24359
general. The schedule shall provide all permittees and holders of 24360
a license with at least one hundred eighty days' notice prior to 24361
the date upon which the statement is to be submitted. All other 24362
terms of the schedule shall be established at the discretion of 24363
the attorney general and shall not be subject to judicial review. 24364

(2) An applicant for a permit for an off-site solid waste 24365
facility that is a scrap tire storage, monocell, monofill, or 24366
recovery facility issued under section 3734.76, 3734.77, or 24367
3734.78 of the Revised Code, as applicable, shall file a 24368
disclosure statement within five years after October 29, 1993, 24369
pursuant to a schedule for submissions of disclosure statements 24370
developed by the attorney general. The schedule shall provide all 24371
such applicants with at least one hundred eighty days' notice 24372
prior to the date upon which the statement shall be submitted. All 24373
other terms of the schedule shall be established at the discretion 24374
of the attorney general and shall not be subject to judicial 24375
review. 24376

Beginning five years after October 29, 1993, an applicant for 24377
such a permit shall file a disclosure statement in accordance with 24378
division (A)(1) of this section. 24379

(3) When a permittee submits a disclosure statement at the 24380
time it submits an application for a renewal or modification of 24381
its permit, the attorney general shall remove the permittee from 24382
the submission schedule established pursuant to division (E)(1) or 24383
(2) of this section. 24384

(4) After receiving a disclosure statement under division 24385
(E)(1) or (2) of this section, the attorney general shall prepare 24386
an investigative report and transmit it to the director. The 24387

director shall review the disclosure statement and investigative 24388
report to determine whether the statement or report contains 24389
information that if submitted with a permit application would 24390
require a denial of the permit pursuant to section 3734.44 of the 24391
Revised Code. If the director determines that the statement or 24392
report contains such information, the director may revoke any 24393
previously issued permit pursuant to section 3734.45 of the 24394
Revised Code, or the director shall deny any application for a 24395
renewal of a permit or license. When the renewal of the license is 24396
being performed by a board of health, the director shall instruct 24397
the board of health about those circumstances under which the 24398
renewal is required to be denied by this section. 24399

(F)(1) Whenever there is a change in ownership of any 24400
off-site solid waste facility, including incinerators, any 24401
transfer facility, any off-site infectious waste treatment 24402
facility, or any off-site hazardous waste treatment, storage, or 24403
disposal facility, the prospective owner shall file a disclosure 24404
statement with the attorney general and the director at least one 24405
hundred eighty days prior to the proposed change in ownership. 24406
Upon receipt of the disclosure statement, the attorney general 24407
shall prepare an investigative report and transmit it to the 24408
director. The director shall review the disclosure statement and 24409
investigative report to determine whether the statement or report 24410
contains information that if submitted with a permit application 24411
would require a denial of the permit pursuant to section 3734.44 24412
of the Revised Code. If the director determines that the statement 24413
or report contains such information, the director shall disapprove 24414
the change in ownership. 24415

(2) If the parties to a change in ownership decide to proceed 24416
with the change prior to the action of the director on the 24417
disclosure statement and investigative report, the parties shall 24418
include in all contracts or other documents reflecting the change 24419

in ownership language expressly making the change in ownership 24420
subject to the approval of the director and expressly negating the 24421
change if it is disapproved by the director pursuant to division 24422
(F)(1) of this section. 24423

(3) As used in this section, "change in ownership" includes 24424
any change in the names, other than those of officers, directors, 24425
partners, or key employees, contained in the disclosure statement. 24426

Sec. 3734.44. Notwithstanding the provisions of any law to 24427
the contrary, no permit or license shall be issued or renewed by 24428
the director of environmental protection, ~~the hazardous waste~~ 24429
~~facility board,~~ or a board of health: 24430

(A) Unless the director, ~~the hazardous waste facility board,~~ 24431
or the board of health finds that the applicant, in any prior 24432
performance record in the transportation, transfer, treatment, 24433
storage, or disposal of solid wastes, infectious wastes, or 24434
hazardous waste, has exhibited sufficient reliability, expertise, 24435
and competency to operate the solid waste, infectious waste, or 24436
hazardous waste facility, given the potential for harm to human 24437
health and the environment that could result from the 24438
irresponsible operation of the facility, or, if no prior record 24439
exists, that the applicant is likely to exhibit that reliability, 24440
expertise, and competence; 24441

(B) If any individual or business concern required to be 24442
listed in the disclosure statement or shown to have a beneficial 24443
interest in the business of the applicant or the permittee, other 24444
than an equity interest or debt liability, by the investigation 24445
thereof, has been convicted of any of the following crimes under 24446
the laws of this state or equivalent laws of any other 24447
jurisdiction: 24448

(1) Murder; 24449

(2) Kidnapping;	24450
(3) Gambling;	24451
(4) Robbery;	24452
(5) Bribery;	24453
(6) Extortion;	24454
(7) Criminal usury;	24455
(8) Arson;	24456
(9) Burglary;	24457
(10) Theft and related crimes;	24458
(11) Forgery and fraudulent practices;	24459
(12) Fraud in the offering, sale, or purchase of securities;	24460
(13) Alteration of motor vehicle identification numbers;	24461
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	24462 24463
(15) Unlawful possession or use of destructive devices or explosives;	24464 24465
(16) Violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	24466 24467 24468 24469 24470 24471 24472
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	24473 24474
(18) Violation of criminal provisions of Chapter 1331. of the Revised Code;	24475 24476

(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	24477 24478 24479 24480
(20) Violation of Chapter 2909. of the Revised Code;	24481
(21) Any offense specified in Chapter 2921. of the Revised Code.	24482 24483
(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof for any of the offenses enumerated in that division as disqualification criteria if that applicant has affirmatively demonstrated rehabilitation of the individual or business concern by a preponderance of the evidence. If any such individual was convicted of any of the offenses so enumerated that are felonies, a permit shall be denied unless five years have elapsed since the individual was fully discharged from imprisonment and parole for the offense, from a post-release control sanction imposed under section 2967.28 of the Revised Code for the offense, or imprisonment, probation, and parole for an offense that was committed prior to the effective date of this amendment. In determining whether an applicant has affirmatively demonstrated rehabilitation, the director, the hazardous waste facility board, or the board of health shall request a recommendation on the matter from the attorney general and shall consider and base the determination on the following factors:	24484 24485 24486 24487 24488 24489 24490 24491 24492 24493 24494 24495 24496 24497 24498 24499 24500 24501 24502 24503 24504 24505
(1) The nature and responsibilities of the position a convicted individual would hold;	24506 24507

(2) The nature and seriousness of the offense;	24508
(3) The circumstances under which the offense occurred;	24509
(4) The date of the offense;	24510
(5) The age of the individual when the offense was committed;	24511
(6) Whether the offense was an isolated or repeated incident;	24512
(7) Any social conditions that may have contributed to the offense;	24513 24514
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	24515 24516 24517 24518 24519 24520
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	24521 24522 24523 24524 24525 24526 24527 24528 24529 24530 24531 24532 24533 24534 24535
(D) Unless the director, the hazardous waste facility board, or the board of health finds that the applicant has a history of	24536 24537

compliance with environmental laws in this state and other 24538
jurisdictions and is presently in substantial compliance with, or 24539
on a legally enforceable schedule that will result in compliance 24540
with, environmental laws in this state and other jurisdictions-i 24541

(E) With respect to the approval of a permit, if the director 24542
~~or the hazardous waste facility board~~ determines that current 24543
prosecutions or pending charges in any jurisdiction for any of the 24544
offenses enumerated in division (B) of this section against any 24545
individual or business concern required to be listed in the 24546
disclosure statement or shown by the investigation to have a 24547
beneficial interest in the business of the applicant other than an 24548
equity interest or debt liability are of such magnitude that they 24549
prevent making the finding required under division (A) of this 24550
section, provided that at the request of the applicant or the 24551
individual or business concern charged, the director ~~or the~~ 24552
~~hazardous waste facility board~~ shall defer decision upon the 24553
application during the pendency of the charge. 24554

Sec. 3734.46. Notwithstanding the disqualification of the 24555
applicant or permittee pursuant to this chapter, the director of 24556
environmental protection, ~~hazardous waste facility board,~~ or the 24557
board of health may issue or renew a permit or license if the 24558
applicant or permittee severs the interest of or affiliation with 24559
the individual or business concern that would otherwise cause that 24560
disqualification or may issue or renew a license on a temporary 24561
basis for a period not to exceed six months if the director or the 24562
board of health determines that the issuance or renewal of the 24563
permit or license is necessitated by the public interest. 24564

Sec. 3734.57. (A) For the purposes of paying the state's 24565
long-term operation costs or matching share for actions taken 24566
under the "Comprehensive Environmental Response, Compensation, and 24567
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 24568

amended; paying the costs of measures for proper clean-up of sites 24569
where polychlorinated biphenyls and substances, equipment, and 24570
devices containing or contaminated with polychlorinated biphenyls 24571
have been stored or disposed of; paying the costs of conducting 24572
surveys or investigations of solid waste facilities or other 24573
locations where it is believed that significant quantities of 24574
hazardous waste were disposed of and for conducting enforcement 24575
actions arising from the findings of such surveys or 24576
investigations; paying the costs of acquiring and cleaning up, or 24577
providing financial assistance for cleaning up, any hazardous 24578
waste facility or solid waste facility containing significant 24579
quantities of hazardous waste, that constitutes an imminent and 24580
substantial threat to public health or safety or the environment; 24581
and, from July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006, for the 24582
purposes of paying the costs of administering and enforcing the 24583
laws pertaining to solid wastes, infectious wastes, and 24584
construction and demolition debris, including, without limitation, 24585
ground water evaluations related to solid wastes, infectious 24586
wastes, and construction and demolition debris, under this chapter 24587
and Chapter 3714. of the Revised Code and any rules adopted under 24588
them, and paying a share of the administrative costs of the 24589
environmental protection agency pursuant to section 3745.014 of 24590
the Revised Code, the following fees are hereby levied on the 24591
disposal of solid wastes in this state: 24592

(1) One dollar per ton on and after July 1, 1993; 24593

(2) An additional seventy-five cents per ton on and after 24594
July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006. 24595

The owner or operator of a solid waste disposal facility 24596
shall collect the fees levied under this division as a trustee for 24597
the state and shall prepare and file with the director of 24598
environmental protection monthly returns indicating the total 24599
tonnage of solid wastes received for disposal at the gate of the 24600

facility and the total amount of the fees collected under this 24601
division. Not later than thirty days after the last day of the 24602
month to which such a return applies, the owner or operator shall 24603
mail to the director the return for that month together with the 24604
fees collected during that month as indicated on the return. The 24605
owner or operator may request an extension of not more than thirty 24606
days for filing the return and remitting the fees, provided that 24607
the owner or operator has submitted such a request in writing to 24608
the director together with a detailed description of why the 24609
extension is requested, the director has received the request not 24610
later than the day on which the return is required to be filed, 24611
and the director has approved the request. If the fees are not 24612
remitted within sixty days after the last day of the month during 24613
which they were collected, the owner or operator shall pay an 24614
additional fifty per cent of the amount of the fees for each month 24615
that they are late. 24616

One-half of the moneys remitted to the director under 24617
division (A)(1) of this section shall be credited to the hazardous 24618
waste facility management fund created in section 3734.18 of the 24619
Revised Code, and one-half shall be credited to the hazardous 24620
waste clean-up fund created in section 3734.28 of the Revised 24621
Code. The moneys remitted to the director under division (A)(2) of 24622
this section shall be credited to the solid waste fund, which is 24623
hereby created in the state treasury. The environmental protection 24624
agency shall use moneys in the solid waste fund only to pay the 24625
costs of administering and enforcing the laws pertaining to solid 24626
wastes, infectious wastes, and construction and demolition debris, 24627
including, without limitation, ground water evaluations related to 24628
solid wastes, infectious wastes, and construction and demolition 24629
debris, under this chapter and Chapter 3714. of the Revised Code 24630
and rules adopted under them and to pay a share of the 24631
administrative costs of the environmental protection agency 24632
pursuant to section 3745.014 of the Revised Code. 24633

The fees levied under this division and divisions (B) and (C) 24634
of this section are in addition to all other applicable fees and 24635
taxes and shall be added to any other fee or amount specified in a 24636
contract that is charged by the owner or operator of a solid waste 24637
disposal facility or to any other fee or amount that is specified 24638
in a contract entered into on or after March 4, 1992, and that is 24639
charged by a transporter of solid wastes. 24640

(B) For the purpose of preparing, revising, and implementing 24641
the solid waste management plan of the county or joint solid waste 24642
management district, including, without limitation, the 24643
development and implementation of solid waste recycling or 24644
reduction programs; providing financial assistance to boards of 24645
health within the district, if solid waste facilities are located 24646
within the district, for the enforcement of this chapter and rules 24647
adopted and orders and terms and conditions of permits, licenses, 24648
and variances issued under it, other than the hazardous waste 24649
provisions of this chapter and rules adopted and orders and terms 24650
and conditions of permits issued under those provisions; providing 24651
financial assistance to the county to defray the added costs of 24652
maintaining roads and other public facilities and of providing 24653
emergency and other public services resulting from the location 24654
and operation of a solid waste facility within the county under 24655
the district's approved solid waste management plan; paying the 24656
costs incurred by boards of health for collecting and analyzing 24657
water samples from public or private wells on lands adjacent to 24658
solid waste facilities that are contained in the approved or 24659
amended plan of the district; paying the costs of developing and 24660
implementing a program for the inspection of solid wastes 24661
generated outside the boundaries of this state that are disposed 24662
of at solid waste facilities included in the district's approved 24663
solid waste management plan or amended plan; providing financial 24664
assistance to boards of health within the district for enforcing 24665

laws prohibiting open dumping; providing financial assistance to 24666
local law enforcement agencies within the district for enforcing 24667
laws and ordinances prohibiting littering; providing financial 24668
assistance to boards of health of health districts within the 24669
district that are on the approved list under section 3734.08 of 24670
the Revised Code for the training and certification required for 24671
their employees responsible for solid waste enforcement by rules 24672
adopted under division (L) of section 3734.02 of the Revised Code; 24673
providing financial assistance to individual municipal 24674
corporations and townships within the district to defray their 24675
added costs of maintaining roads and other public facilities and 24676
of providing emergency and other public services resulting from 24677
the location and operation within their boundaries of a 24678
composting, energy or resource recovery, incineration, or 24679
recycling facility that either is owned by the district or is 24680
furnishing solid waste management facility or recycling services 24681
to the district pursuant to a contract or agreement with the board 24682
of county commissioners or directors of the district; and payment 24683
of any expenses that are agreed to, awarded, or ordered to be paid 24684
under section 3734.35 of the Revised Code and of any 24685
administrative costs incurred pursuant to that section, the solid 24686
waste management policy committee of a county or joint solid waste 24687
management district may levy fees upon the following activities: 24688

(1) The disposal at a solid waste disposal facility located 24689
in the district of solid wastes generated within the district; 24690

(2) The disposal at a solid waste disposal facility within 24691
the district of solid wastes generated outside the boundaries of 24692
the district, but inside this state; 24693

(3) The disposal at a solid waste disposal facility within 24694
the district of solid wastes generated outside the boundaries of 24695
this state. 24696

If any such fees are levied prior to January 1, 1994, fees 24697

levied under division (B)(1) of this section always shall be equal 24698
to one-half of the fees levied under division (B)(2) of this 24699
section, and fees levied under division (B)(3) of this section, 24700
which shall be in addition to fees levied under division (B)(2) of 24701
this section, always shall be equal to fees levied under division 24702
(B)(1) of this section, except as otherwise provided in this 24703
division. The solid waste management plan of the county or joint 24704
district approved under section 3734.521 or 3734.55 of the Revised 24705
Code and any amendments to it, or the resolution adopted under 24706
this division, as appropriate, shall establish the rates of the 24707
fees levied under divisions (B)(1), (2), and (3) of this section, 24708
if any, and shall specify whether the fees are levied on the basis 24709
of tons or cubic yards as the unit of measurement. Although the 24710
fees under divisions (A)(1) and (2) of this section are levied on 24711
the basis of tons as the unit of measurement, the solid waste 24712
management plan of the district and any amendments to it or the 24713
solid waste management policy committee in its resolution levying 24714
fees under this division may direct that the fees levied under 24715
those divisions be levied on the basis of cubic yards as the unit 24716
of measurement based upon a conversion factor of three cubic yards 24717
per ton generally or one cubic yard per ton for baled wastes if 24718
the fees under divisions (B)(1) to (3) of this section are being 24719
levied on the basis of cubic yards as the unit of measurement 24720
under the plan, amended plan, or resolution. 24721

On and after January 1, 1994, the fee levied under division 24722
(B)(1) of this section shall be not less than one dollar per ton 24723
nor more than two dollars per ton, the fee levied under division 24724
(B)(2) of this section shall be not less than two dollars per ton 24725
nor more than four dollars per ton, and the fee levied under 24726
division (B)(3) of this section shall be not more than the fee 24727
levied under division (B)(1) of this section, except as otherwise 24728
provided in this division and notwithstanding any schedule of 24729
those fees established in the solid waste management plan of a 24730

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 24764
and ratified under this division that are within the ranges of 24765
rates prescribed by this amendment, by adoption of a resolution 24766
not later than December 1, 1993, and without the necessity for 24767
ratification of the resolution under this division, may amend 24768
those fees within the prescribed ranges, provided that the 24769
estimated revenues from the amended fees will not substantially 24770
exceed the estimated revenues set forth in the district's budget 24771
for calendar year 1994. Not later than seven days after the 24772
adoption of such a resolution, the committee shall notify by 24773
certified mail the owner or operator of each solid waste disposal 24774
facility that is required to collect the fees of the adoption of 24775
the resolution and of the amount of the amended fees. Collection 24776
of the amended fees shall take effect on the first day of the 24777
first month following the month in which the notification is sent 24778
to the owner or operator. The fees established in such a 24779
resolution shall remain in effect until the district's resolution 24780
levying fees that was adopted and ratified under this division is 24781
amended or repealed, and the amendment or repeal of the resolution 24782
is ratified, in accordance with this division, to amend or abolish 24783
the fees, the schedule of fees is amended or abolished in an 24784
amended plan of the district approved under section 3734.521 or 24785
division (A) or (D) of section 3734.56 of the Revised Code, or the 24786
schedule of fees is amended or abolished through an amendment to 24787
the district's plan under division (E) of section 3734.56 of the 24788
Revised Code; the notification of the amendment or abolishment of 24789
the fees has been given in accordance with this division; and 24790
collection of the amended fees so established commences, or 24791
collection of the fees ceases, in accordance with this division. 24792

Prior to the approval of the solid waste management plan of 24793
the district under section 3734.55 of the Revised Code, the solid 24794
waste management policy committee of a district may levy fees 24795
under this division by adopting a resolution establishing the 24796

proposed amount of the fees. Upon adopting the resolution, the 24797
committee shall deliver a copy of the resolution to the board of 24798
county commissioners of each county forming the district and to 24799
the legislative authority of each municipal corporation and 24800
township under the jurisdiction of the district and shall prepare 24801
and publish the resolution and a notice of the time and location 24802
where a public hearing on the fees will be held. Upon adopting the 24803
resolution, the committee shall deliver written notice of the 24804
adoption of the resolution; of the amount of the proposed fees; 24805
and of the date, time, and location of the public hearing to the 24806
director and to the fifty industrial, commercial, or institutional 24807
generators of solid wastes within the district that generate the 24808
largest quantities of solid wastes, as determined by the 24809
committee, and to their local trade associations. The committee 24810
shall make good faith efforts to identify those generators within 24811
the district and their local trade associations, but the 24812
nonprovision of notice under this division to a particular 24813
generator or local trade association does not invalidate the 24814
proceedings under this division. The publication shall occur at 24815
least thirty days before the hearing. After the hearing, the 24816
committee may make such revisions to the proposed fees as it 24817
considers appropriate and thereafter, by resolution, shall adopt 24818
the revised fee schedule. Upon adopting the revised fee schedule, 24819
the committee shall deliver a copy of the resolution doing so to 24820
the board of county commissioners of each county forming the 24821
district and to the legislative authority of each municipal 24822
corporation and township under the jurisdiction of the district. 24823
Within sixty days after the delivery of a copy of the resolution 24824
adopting the proposed revised fees by the policy committee, each 24825
such board and legislative authority, by ordinance or resolution, 24826
shall approve or disapprove the revised fees and deliver a copy of 24827
the ordinance or resolution to the committee. If any such board or 24828
legislative authority fails to adopt and deliver to the policy 24829

committee an ordinance or resolution approving or disapproving the 24830
revised fees within sixty days after the policy committee 24831
delivered its resolution adopting the proposed revised fees, it 24832
shall be conclusively presumed that the board or legislative 24833
authority has approved the proposed revised fees. 24834

In the case of a county district or a joint district formed 24835
by two or three counties, the committee shall declare the proposed 24836
revised fees to be ratified as the fee schedule of the district 24837
upon determining that the board of county commissioners of each 24838
county forming the district has approved the proposed revised fees 24839
and that the legislative authorities of a combination of municipal 24840
corporations and townships with a combined population within the 24841
district comprising at least sixty per cent of the total 24842
population of the district have approved the proposed revised 24843
fees, provided that in the case of a county district, that 24844
combination shall include the municipal corporation having the 24845
largest population within the boundaries of the district, and 24846
provided further that in the case of a joint district formed by 24847
two or three counties, that combination shall include for each 24848
county forming the joint district the municipal corporation having 24849
the largest population within the boundaries of both the county in 24850
which the municipal corporation is located and the joint district. 24851
In the case of a joint district formed by four or more counties, 24852
the committee shall declare the proposed revised fees to be 24853
ratified as the fee schedule of the joint district upon 24854
determining that the boards of county commissioners of a majority 24855
of the counties forming the district have approved the proposed 24856
revised fees; that, in each of a majority of the counties forming 24857
the joint district, the proposed revised fees have been approved 24858
by the municipal corporation having the largest population within 24859
the county and the joint district; and that the legislative 24860
authorities of a combination of municipal corporations and 24861
townships with a combined population within the joint district 24862

comprising at least sixty per cent of the total population of the 24863
joint district have approved the proposed revised fees. 24864

For the purposes of this division, only the population of the 24865
unincorporated area of a township shall be considered. For the 24866
purpose of determining the largest municipal corporation within 24867
each county under this division, a municipal corporation that is 24868
located in more than one solid waste management district, but that 24869
is under the jurisdiction of one county or joint solid waste 24870
management district in accordance with division (A) of section 24871
3734.52 of the Revised Code shall be considered to be within the 24872
boundaries of the county in which a majority of the population of 24873
the municipal corporation resides. 24874

The committee may amend the schedule of fees levied pursuant 24875
to a resolution or amended resolution adopted and ratified under 24876
this division by adopting a resolution establishing the proposed 24877
amount of the amended fees. The committee may abolish the fees 24878
levied pursuant to such a resolution or amended resolution by 24879
adopting a resolution proposing to repeal them. Upon adopting such 24880
a resolution, the committee shall proceed to obtain ratification 24881
of the resolution in accordance with this division. 24882

Not later than fourteen days after declaring the fees or 24883
amended fees to be ratified under this division, the committee 24884
shall notify by certified mail the owner or operator of each solid 24885
waste disposal facility that is required to collect the fees of 24886
the ratification and the amount of the fees. Collection of any 24887
fees or amended fees ratified on or after March 24, 1992, shall 24888
commence on the first day of the second month following the month 24889
in which notification is sent to the owner or operator. 24890

Not later than fourteen days after declaring the repeal of 24891
the district's schedule of fees to be ratified under this 24892
division, the committee shall notify by certified mail the owner 24893
or operator of each facility that is collecting the fees of the 24894

repeal. Collection of the fees shall cease on the first day of the 24895
second month following the month in which notification is sent to 24896
the owner or operator. 24897

Not later than fourteen days after the director issues an 24898
order approving a district's solid waste management plan under 24899
section 3734.55 of the Revised Code or amended plan under division 24900
(A) or (D) of section 3734.56 of the Revised Code that establishes 24901
or amends a schedule of fees levied by the district, or the 24902
ratification of an amendment to the district's approved plan or 24903
amended plan under division (E) of section 3734.56 of the Revised 24904
Code that establishes or amends a schedule of fees, as 24905
appropriate, the committee shall notify by certified mail the 24906
owner or operator of each solid waste disposal facility that is 24907
required to collect the fees of the approval of the plan or 24908
amended plan, or the amendment to the plan, as appropriate, and 24909
the amount of the fees or amended fees. In the case of an initial 24910
or amended plan approved under section 3734.521 of the Revised 24911
Code in connection with a change in district composition, other 24912
than one involving the withdrawal of a county from a joint 24913
district, that establishes or amends a schedule of fees levied 24914
under divisions (B)(1) to (3) of this section by a district 24915
resulting from the change, the committee, within fourteen days 24916
after the change takes effect pursuant to division (G) of that 24917
section, shall notify by certified mail the owner or operator of 24918
each solid waste disposal facility that is required to collect the 24919
fees that the change has taken effect and of the amount of the 24920
fees or amended fees. Collection of any fees set forth in a plan 24921
or amended plan approved by the director on or after April 16, 24922
1993, or an amendment of a plan or amended plan under division (E) 24923
of section 3734.56 of the Revised Code that is ratified on or 24924
after April 16, 1993, shall commence on the first day of the 24925
second month following the month in which notification is sent to 24926
the owner or operator. 24927

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 24960
division (E) of section 3734.56 of the Revised Code, is amended by 24961
the adoption and ratification of an amendment to the resolution or 24962
amended resolution or an amendment of the district's approved plan 24963
or amended plan, the fees in effect immediately prior to the 24964
approval of the plan or the amendment of the resolution, amended 24965
resolution, plan, or amended plan, as appropriate, shall continue 24966
to be collected until collection of the amended fees commences 24967
pursuant to this division. 24968

If, in the case of a change in district composition involving 24969
the withdrawal of a county from a joint district, the director 24970
completes the actions required under division (G)(1) or (3) of 24971
section 3734.521 of the Revised Code, as appropriate, forty-five 24972
days or more before the beginning of a calendar year, the policy 24973
committee of each of the districts resulting from the change that 24974
obtained the director's approval of an initial or amended plan in 24975
connection with the change, within fourteen days after the 24976
director's completion of the required actions, shall notify by 24977
certified mail the owner or operator of each solid waste disposal 24978
facility that is required to collect the district's fees that the 24979
change is to take effect on the first day of January immediately 24980
following the issuance of the notice and of the amount of the fees 24981
or amended fees levied under divisions (B)(1) to (3) of this 24982
section pursuant to the district's initial or amended plan as so 24983
approved or, if appropriate, the abolishment of the district's 24984
fees by that initial or amended plan. Collection of any fees set 24985
forth in such a plan or amended plan shall commence on the first 24986
day of January immediately following the issuance of the notice. 24987
If such an initial or amended plan abolishes a schedule of fees, 24988
collection of the fees shall cease on that first day of January. 24989

If, in the case of a change in district composition involving 24990
the withdrawal of a county from a joint district, the director 24991

completes the actions required under division (G)(1) or (3) of 24992
section 3734.521 of the Revised Code, as appropriate, less than 24993
forty-five days before the beginning of a calendar year, the 24994
director, on behalf of each of the districts resulting from the 24995
change that obtained the director's approval of an initial or 24996
amended plan in connection with the change proceedings, shall 24997
notify by certified mail the owner or operator of each solid waste 24998
disposal facility that is required to collect the district's fees 24999
that the change is to take effect on the first day of January 25000
immediately following the mailing of the notice and of the amount 25001
of the fees or amended fees levied under divisions (B)(1) to (3) 25002
of this section pursuant to the district's initial or amended plan 25003
as so approved or, if appropriate, the abolishment of the 25004
district's fees by that initial or amended plan. Collection of any 25005
fees set forth in such a plan or amended plan shall commence on 25006
the first day of the second month following the month in which 25007
notification is sent to the owner or operator. If such an initial 25008
or amended plan abolishes a schedule of fees, collection of the 25009
fees shall cease on the first day of the second month following 25010
the month in which notification is sent to the owner or operator. 25011

In the case of a change in district composition, the schedule 25012
of fees that the former districts that existed prior to the change 25013
were levying under divisions (B)(1) to (3) of this section 25014
pursuant to a resolution or amended resolution adopted and 25015
ratified under this division, the solid waste management plan of a 25016
former district approved under section 3734.521 or 3734.55 of the 25017
Revised Code, an amended plan approved under section 3734.521 or 25018
division (A) or (D) of section 3734.56 of the Revised Code, or an 25019
amendment to a former district's approved plan or amended plan 25020
under division (E) of section 3734.56 of the Revised Code, and 25021
that were in effect on the date that the director completed the 25022
actions required under division (G)(1) or (3) of section 3734.521 25023
of the Revised Code shall continue to be collected until the 25024

collection of the fees or amended fees of the districts resulting 25025
from the change is required to commence, or if an initial or 25026
amended plan of a resulting district abolishes a schedule of fees, 25027
collection of the fees is required to cease, under this division. 25028
Moneys so received from the collection of the fees of the former 25029
districts shall be divided among the resulting districts in 25030
accordance with division (B) of section 343.012 of the Revised 25031
Code and the agreements entered into under division (B) of section 25032
343.01 of the Revised Code to establish the former and resulting 25033
districts and any amendments to those agreements. 25034

For the purposes of the provisions of division (B) of this 25035
section establishing the times when newly established or amended 25036
fees levied by a district are required to commence and the 25037
collection of fees that have been amended or abolished is required 25038
to cease, "fees" or "schedule of fees" includes, in addition to 25039
fees levied under divisions (B)(1) to (3) of this section, those 25040
levied under section 3734.573 or 3734.574 of the Revised Code. 25041

(C) For the purposes of defraying the added costs to a 25042
municipal corporation or township of maintaining roads and other 25043
public facilities and of providing emergency and other public 25044
services, and compensating a municipal corporation or township for 25045
reductions in real property tax revenues due to reductions in real 25046
property valuations resulting from the location and operation of a 25047
solid waste disposal facility within the municipal corporation or 25048
township, a municipal corporation or township in which such a 25049
solid waste disposal facility is located may levy a fee of not 25050
more than twenty-five cents per ton on the disposal of solid 25051
wastes at a solid waste disposal facility located within the 25052
boundaries of the municipal corporation or township regardless of 25053
where the wastes were generated. 25054

The legislative authority of a municipal corporation or 25055
township may levy fees under this division by enacting an 25056

ordinance or adopting a resolution establishing the amount of the 25057
fees. Upon so doing the legislative authority shall mail a 25058
certified copy of the ordinance or resolution to the board of 25059
county commissioners or directors of the county or joint solid 25060
waste management district in which the municipal corporation or 25061
township is located or, if a regional solid waste management 25062
authority has been formed under section 343.011 of the Revised 25063
Code, to the board of trustees of that regional authority, the 25064
owner or operator of each solid waste disposal facility in the 25065
municipal corporation or township that is required to collect the 25066
fee by the ordinance or resolution, and the director of 25067
environmental protection. Although the fees levied under this 25068
division are levied on the basis of tons as the unit of 25069
measurement, the legislative authority, in its ordinance or 25070
resolution levying the fees under this division, may direct that 25071
the fees be levied on the basis of cubic yards as the unit of 25072
measurement based upon a conversion factor of three cubic yards 25073
per ton generally or one cubic yard per ton for baled wastes. 25074

Not later than five days after enacting an ordinance or 25075
adopting a resolution under this division, the legislative 25076
authority shall so notify by certified mail the owner or operator 25077
of each solid waste disposal facility that is required to collect 25078
the fee. Collection of any fee levied on or after March 24, 1992, 25079
shall commence on the first day of the second month following the 25080
month in which notification is sent to the owner or operator. 25081

(D)(1) The fees levied under divisions (A), (B), and (C) of 25082
this section do not apply to the disposal of solid wastes that: 25083

(a) Are disposed of at a facility owned by the generator of 25084
the wastes when the solid waste facility exclusively disposes of 25085
solid wastes generated at one or more premises owned by the 25086
generator regardless of whether the facility is located on a 25087
premises where the wastes are generated; 25088

(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. 25120

(6) The fees levied under divisions (A), (B), and (C) of this 25121
section do not apply to solid wastes delivered to a solid waste 25122
composting facility for processing. When any unprocessed solid 25123
waste or compost product is transported off the premises of a 25124
composting facility and disposed of at a landfill, the fees levied 25125
under divisions (A), (B), and (C) of this section shall be 25126
collected by the owner or operator of the landfill where the 25127
unprocessed waste or compost product is disposed of. 25128

(7) When solid wastes that consist of scrap tires are 25129
processed at a scrap tire recovery facility, the fees levied under 25130
divisions (A), (B), and (C) of this section shall be levied upon 25131
the disposal of the fly ash and bottom ash or other solid wastes 25132
remaining after the processing of the scrap tires and shall be 25133
collected by the owner or operator of the solid waste disposal 25134
facility where the ash or other solid wastes are disposed of. 25135

(E) The fees levied under divisions (B) and (C) of this 25136
section shall be collected by the owner or operator of the solid 25137
waste disposal facility where the wastes are disposed of as a 25138
trustee for the county or joint district and municipal corporation 25139
or township where the wastes are disposed of. Moneys from the fees 25140
levied under division (B) of this section shall be forwarded to 25141
the board of county commissioners or board of directors of the 25142
district in accordance with rules adopted under division (H) of 25143
this section. Moneys from the fees levied under division (C) of 25144
this section shall be forwarded to the treasurer or such other 25145
officer of the municipal corporation as, by virtue of the charter, 25146
has the duties of the treasurer or to the clerk of the township, 25147
as appropriate, in accordance with those rules. 25148

(F) Moneys received by the treasurer or such other officer of 25149
the municipal corporation under division (E) of this section shall 25150
be paid into the general fund of the municipal corporation. Moneys 25151

received by the clerk of the township under that division shall be 25152
paid into the general fund of the township. The treasurer or such 25153
other officer of the municipal corporation or the clerk, as 25154
appropriate, shall maintain separate records of the moneys 25155
received from the fees levied under division (C) of this section. 25156

(G) Moneys received by the board of county commissioners or 25157
board of directors under division (E) of this section or section 25158
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 25159
shall be paid to the county treasurer, or other official acting in 25160
a similar capacity under a county charter, in a county district or 25161
to the county treasurer or other official designated by the board 25162
of directors in a joint district and kept in a separate and 25163
distinct fund to the credit of the district. If a regional solid 25164
waste management authority has been formed under section 343.011 25165
of the Revised Code, moneys received by the board of trustees of 25166
that regional authority under division (E) of this section shall 25167
be kept by the board in a separate and distinct fund to the credit 25168
of the district. Moneys in the special fund of the county or joint 25169
district arising from the fees levied under division (B) of this 25170
section and the fee levied under division (A) of section 3734.573 25171
of the Revised Code shall be expended by the board of county 25172
commissioners or directors of the district in accordance with the 25173
district's solid waste management plan or amended plan approved 25174
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 25175
exclusively for the following purposes: 25176

(1) Preparation of the solid waste management plan of the 25177
district under section 3734.54 of the Revised Code, monitoring 25178
implementation of the plan, and conducting the periodic review and 25179
amendment of the plan required by section 3734.56 of the Revised 25180
Code by the solid waste management policy committee; 25181

(2) Implementation of the approved solid waste management 25182
plan or amended plan of the district, including, without 25183

limitation, the development and implementation of solid waste recycling or reduction programs;	25184 25185
(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;	25186 25187 25188 25189 25190 25191 25192
(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;	25193 25194 25195 25196 25197 25198
(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;	25199 25200 25201 25202 25203 25204
(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;	25205 25206 25207 25208
(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;	25209 25210 25211 25212 25213
(8) Providing financial assistance to boards of health of	25214

health districts within the district that are on the approved list 25215
under section 3734.08 of the Revised Code to defray the costs to 25216
the health districts for the participation of their employees 25217
responsible for enforcement of the solid waste provisions of this 25218
chapter and rules adopted and orders and terms and conditions of 25219
permits, licenses, and variances issued under those provisions in 25220
the training and certification program as required by rules 25221
adopted under division (L) of section 3734.02 of the Revised Code; 25222

(9) Providing financial assistance to individual municipal 25223
corporations and townships within the district to defray their 25224
added costs of maintaining roads and other public facilities and 25225
of providing emergency and other public services resulting from 25226
the location and operation within their boundaries of a 25227
composting, energy or resource recovery, incineration, or 25228
recycling facility that either is owned by the district or is 25229
furnishing solid waste management facility or recycling services 25230
to the district pursuant to a contract or agreement with the board 25231
of county commissioners or directors of the district; 25232

(10) Payment of any expenses that are agreed to, awarded, or 25233
ordered to be paid under section 3734.35 of the Revised Code and 25234
of any administrative costs incurred pursuant to that section. In 25235
the case of a joint solid waste management district, if the board 25236
of county commissioners of one of the counties in the district is 25237
negotiating on behalf of affected communities, as defined in that 25238
section, in that county, the board shall obtain the approval of 25239
the board of directors of the district in order to expend moneys 25240
for administrative costs incurred. 25241

Prior to the approval of the district's solid waste 25242
management plan under section 3734.55 of the Revised Code, moneys 25243
in the special fund of the district arising from the fees shall be 25244
expended for those purposes in the manner prescribed by the solid 25245
waste management policy committee by resolution. 25246

Notwithstanding division (G)(6) of this section as it existed 25247
prior to October 29, 1993, or any provision in a district's solid 25248
waste management plan prepared in accordance with division 25249
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 25250
prior to that date, any moneys arising from the fees levied under 25251
division (B)(3) of this section prior to January 1, 1994, may be 25252
expended for any of the purposes authorized in divisions (G)(1) to 25253
(10) of this section. 25254

(H) The director shall adopt rules in accordance with Chapter 25255
119. of the Revised Code prescribing procedures for collecting and 25256
forwarding the fees levied under divisions (B) and (C) of this 25257
section to the boards of county commissioners or directors of 25258
county or joint solid waste management districts and to the 25259
treasurers or other officers of municipal corporations or to the 25260
clerks of townships. The rules also shall prescribe the dates for 25261
forwarding the fees to the boards and officials and may prescribe 25262
any other requirements the director considers necessary or 25263
appropriate to implement and administer divisions (A), (B), and 25264
(C) of this section. Collection of the fees levied under division 25265
(A)(1) of this section shall commence on July 1, 1993. Collection 25266
of the fees levied under division (A)(2) of this section shall 25267
commence on January 1, 1994. 25268

Sec. 3737.81. (A) There is hereby created the state fire 25269
commission consisting of ten members to be appointed by the 25270
governor with the advice and consent of the senate. The fire 25271
marshal or chief deputy fire marshal, a representative designated 25272
by the department of public safety who has tenure in fire 25273
suppression, and a representative designated by the board of 25274
building standards shall be ex officio members. Of the initial 25275
appointments made to the commission, two shall be for a term 25276
ending one year after November 1, 1978, two shall be for a term 25277

ending two years after that date, two shall be for a term ending 25278
three years after that date, two shall be for a term ending four 25279
years after that date, and two shall be for a term ending five 25280
years after that date. Thereafter, terms of office shall be for 25281
five years, each term ending on the same day of the same month of 25282
the year as did the term which it succeeds. Each member shall hold 25283
office from the date of appointment until the end of the term for 25284
which the member was appointed. Any member appointed to fill a 25285
vacancy occurring prior to the expiration of the term for which 25286
the member's predecessor was appointed shall hold office for the 25287
remainder of that term. Any member shall continue in office 25288
subsequent to the expiration date of the member's term until a 25289
successor takes office, or until a period of sixty days has 25290
elapsed, whichever occurs first. Members shall be qualified by 25291
experience and training to deal with the matters that are the 25292
responsibility of the commission. Two members shall be members of 25293
paid fire services, one shall be a member of volunteer fire 25294
services, two shall be mayors, managers, or members of legislative 25295
authorities of municipal corporations, one shall represent 25296
commerce and industry, one shall be a representative of a fire 25297
insurance company domiciled in this state, one shall represent the 25298
flammable liquids industry, one shall represent the construction 25299
industry, and one shall represent the public. At no time shall 25300
more than six members be members of or associated with the same 25301
political party. Membership on the commission shall not constitute 25302
holding a public office, and no person shall forfeit or otherwise 25303
vacate the person's office or position of employment because of 25304
membership on the commission. 25305

(B) The ex officio members may not vote, except that the fire 25306
marshal or chief deputy fire marshal may vote in case of a tie. 25307

(C) Each member of the commission, other than ex officio 25308
members, shall be paid an amount ~~equal to that payable under pay~~ 25309

~~range 32 (S)(D)~~ fixed pursuant to division (J) of section 124.15 25310
of the Revised Code, and the member's actual and necessary 25311
expenses. 25312

(D) The commission shall select a chairperson and a 25313
vice-chairperson from among its members. No business may be 25314
transacted in the absence of a quorum. A quorum shall be at least 25315
six members, excluding ex officio members, and shall include 25316
either the chairperson or vice-chairperson. The commission shall 25317
hold regular meetings at least once every two months and may meet 25318
at any other time at the call of the chairperson. 25319

(E) The fire marshal shall provide the commission with office 25320
space, meeting rooms, staff, and clerical assistance necessary for 25321
the commission to perform its duties. If the commission maintains 25322
the Ohio fire service hall of fame under division (C) of section 25323
3737.03 of the Revised Code, the fire marshal shall preserve, in 25324
an appropriate manner, in the office space or meeting rooms 25325
provided to the commission under this division or in another 25326
location, copies of all official commendations awarded to 25327
individuals recognized and commemorated for their exemplary 25328
accomplishments and acts of heroism at fire-related incidents or 25329
similar events that occurred in this state. 25330

(F) If the commission maintains the Ohio fire service hall of 25331
fame under division (C) of section 3737.03 of the Revised Code, 25332
the expenses incurred for the recognition and commemoration of 25333
individuals for their exemplary accomplishments and acts of 25334
heroism at fire-related incidents or similar events that occurred 25335
in this state, including, but not limited to, expenses for 25336
official commendations and an annual awards ceremony as described 25337
in division (C) of section 3737.03 of the Revised Code, may be 25338
paid from moneys appropriated by the general assembly for purposes 25339
of that recognition and commemoration, from moneys that are 25340
available to the fire marshal under this chapter, or from other 25341

funding sources available to the commission. 25342

Sec. 3745.04. As used in this section, "any person" means any 25343
individual, any partnership, corporation, association, or other 25344
legal entity, or any political subdivision, instrumentality, or 25345
agency of a state, whether or not the individual or legal entity 25346
is an applicant for or holder of a license, permit, or variance 25347
from the environmental protection agency, and includes any 25348
department, agency, or instrumentality of the federal government 25349
that is an applicant for or holder of a license, permit, or 25350
variance from the environmental protection agency. 25351

As used in this section, "action" or "act" includes the 25352
adoption, modification, or repeal of a rule or standard, the 25353
issuance, modification, or revocation of any lawful order other 25354
than an emergency order, and the issuance, denial, modification, 25355
or revocation of a license, permit, lease, variance, or 25356
certificate, or the approval or disapproval of plans and 25357
specifications pursuant to law or rules adopted thereunder. 25358

Any person who was a party to a proceeding before the 25359
director of environmental protection may participate in an appeal 25360
to the environmental review appeals commission for an order 25361
vacating or modifying the action of the director or a local board 25362
of health, or ordering the director or board of health to perform 25363
an act. The environmental review appeals commission has exclusive 25364
original jurisdiction over any matter that may, under this 25365
section, be brought before it. 25366

The person so appealing to the commission shall be known as 25367
appellant, and the director and any party to a proceeding 25368
substantially supporting the finding from which the appeal is 25369
taken shall be known as appellee, except that when an appeal 25370
involves a license to operate a disposal site or facility, the 25371
local board of health or the director of environmental protection, 25372

and any party to a proceeding substantially supporting the finding 25373
from which the appeal is taken, shall, as appropriate, be known as 25374
the appellee. Appellant and appellee shall be deemed to be parties 25375
to the appeal. 25376

The appeal shall be in writing and shall set forth the action 25377
complained of and the grounds upon which the appeal is based. 25378

The appeal shall be filed with the commission within thirty 25379
days after notice of the action. Notice of the filing of the 25380
appeal shall be filed with the appellee within three days after 25381
the appeal is filed with the commission. 25382

The appeal shall be accompanied by a filing fee of ~~sixty~~ 25383
seventy dollars, which the commission, in its discretion, may 25384
~~waive in cases of extreme hardship~~ reduce if the appellant cannot 25385
afford to pay the fee. 25386

Within seven days after receipt of the notice of appeal, the 25387
director or local board of health shall prepare and certify to the 25388
commission a record of the proceedings out of which the appeal 25389
arises, including all documents and correspondence, and a 25390
transcript of all testimony. 25391

Upon the filing of the appeal, the commission shall fix the 25392
time and place at which the hearing on the appeal will be held. 25393
The commission shall give the appellant and the appellee at least 25394
ten days' written notice thereof by certified mail. The commission 25395
shall hold the hearing within thirty days after the notice of 25396
appeal is filed. The commission may postpone or continue any 25397
hearing upon its own motion or upon application of the appellant 25398
or of the appellee. 25399

The filing of an appeal does not automatically suspend or 25400
stay execution of the action appealed from. Upon application by 25401
the appellant, the commission may suspend or stay the execution 25402
pending immediate determination of the appeal without interruption 25403

by continuances, other than for unavoidable circumstances. 25404

As used in this section and sections 3745.05 and 3745.06 of 25405
 the Revised Code, "director of environmental protection" and 25406
 "director" are deemed to include the director of agriculture and 25407
 "environmental protection agency" is deemed to include the 25408
 department of agriculture with respect to actions that are 25409
 appealable to the commission under Chapter 903. of the Revised 25410
 Code. 25411

Sec. 3745.11. (A) Applicants for and holders of permits, 25412
 licenses, variances, plan approvals, and certifications issued by 25413
 the director of environmental protection pursuant to Chapters 25414
 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 25415
 to the environmental protection agency for each such issuance and 25416
 each application for an issuance as provided by this section. No 25417
 fee shall be charged for any issuance for which no application has 25418
 been submitted to the director. 25419

(B) ~~Prior to January 1, 1994, each~~ Each person who is issued 25420
 a ~~permit to operate, variance, or permit to install~~ prior to July 25421
1, 2003, pursuant to rules adopted under division (F) of section 25422
 3704.03 of the Revised Code shall pay the fees specified in the 25423
 following ~~schedule~~ schedules: 25424

(1) Fuel-Burning Equipment (<u>boilers</u>)				25425
Input capacity (<u>maximum</u>)	Permit		Permit	25426
(million British	to		to	25427
thermal units per hour)	operate	Variance	install	25428
<u>Greater than 0 or more, but</u>	\$ 75	\$225	\$ 100 <u>200</u>	25429
less than 10				25430
10 or more, but less than 100	210	450	390 <u>400</u>	25431
100 or more, but less than 300	270	675	585 <u>800</u>	25432
300 or more, but less than 500	330	900	780	25433
			<u>1500</u>	

500 or more, <u>but less than 1000</u>	500	975	1000 2500	25434
<u>1000 or more, but less than 5000</u>			4000	25435
<u>5000 or more</u>			6000	25436
<u>Units burning exclusively natural gas, number two fuel oil,</u>				25437
<u>or both shall be assessed a fee that is one-half of the applicable</u>				25438
<u>amount established in division (F)(1) of this section.</u>				25439
Any fuel burning equipment using only natural gas, propane,				25440
liquefied petroleum gas, or number two or lighter fuel oil shall				25441
be assessed a fee one half of that shown.				25442
(2) Incinerators				25443
	Permit		Permit	25444
Input capacity	to		to	25445
(pounds per hour)	operate	Variance	install	25446
0 to 50 <u>100</u>	\$ 50	\$225	\$ 65 <u>100</u>	25447
51 <u>101</u> to 500	210	450	390 <u>400</u>	25448
501 to 2000	270	675	585 <u>750</u>	25449
2001 to 30,000 <u>20,000</u>	330	900	780 <u>1000</u>	25450
more than 30,000 <u>20,000</u>	500	975	1000 <u>2500</u>	25451
(3)(a) Process				25452
	Permit		Permit	25453
Process weight rate	to		to	25454
(pounds per hour)	operate	Variance	install	25455
0 to 1000	\$100	\$225	\$ 200	25456
1001 to 5000	210	450	390 <u>400</u>	25457
5001 to 10,000	270	675	585 <u>600</u>	25458
10,001 to 50,000	330	900	780 <u>800</u>	25459
more than 50,000	500	975	1000	25460
In any process where process weight rate cannot be				25461

ascertained, the minimum fee shall be assessed. 25462

(b) Notwithstanding division (B)(3)(a) of this section, any 25463
person issued a permit to install pursuant to rules adopted under 25464
division (F) of section 3704.03 of the Revised Code shall pay the 25465
fees established in division (B)(3)(c) of this section for a 25466
process used in any of the following industries, as identified by 25467
the applicable four-digit standard industrial classification code 25468
according to the Standard Industrial Classification Manual 25469
published by the United States office of management and budget in 25470
the executive office of the president, 1972, as revised: 25471

1211 Bituminous coal and lignite mining; 25472

1213 Bituminous coal and lignite mining services; 25473

1411 Dimension stone; 25474

1422 Crushed and broken limestone; 25475

1427 Crushed and broken stone, not elsewhere classified; 25476

1442 Construction sand and gravel; 25477

1446 Industrial sand; 25478

3281 Cut stone and stone products; 25479

3295 Minerals and earth, ground or otherwise treated. 25480

(c) The fees established in the following schedule apply to 25481
the issuance of a permit to install pursuant to rules adopted 25482
under division (F) of section 3704.03 of the Revised Code for a 25483
process listed in division (B)(3)(b) of this section: 25484

<u>Process weight rate</u>	<u>Permit to</u>	
<u>(pounds per hour)</u>	<u>install</u>	
<u>0 to 1000</u>	<u>\$ 200</u>	25487
<u>10,001 to 50,000</u>	<u>300</u>	25488
<u>50,001 to 100,000</u>	<u>400</u>	25489
<u>100,001 to 200,000</u>	<u>500</u>	25490
<u>200,001 to 400,000</u>	<u>600</u>	25491

<u>400,001 or more</u>			<u>700</u>	25492
(4) Storage tanks				25493
Gallons (<u>maximum useful</u> capacity)	Permit		Permit	25494
	to		to	25495
	operate	Variance	install	25496
				25497
Less than 40,000 <u>0 to 20,000</u>	\$150	\$225	\$ 195 <u>100</u>	25498
<u>20,001 to 40,000</u> or more, but less				25499
than 100,000	210	450	390 <u>150</u>	25500
100,000 or more, but less				25501
than 400,000	270	675	585	25502
400,000 or more, but less				25503
than <u>40,001 to 100,000</u>			<u>200</u>	25504
<u>100,001 to 250,000</u>			<u>250</u>	25505
<u>250,001 to 500,000</u>			<u>350</u>	25506
<u>500,001 to 1,000,000</u>	330	900	780 <u>500</u>	25507
1,000,000 <u>1,000,001 or more greater</u>	500	975	1000 <u>750</u>	25508
(5) Gasoline				25509
Gasoline/ <u>fuel</u> dispensing	Permit		Permit	25510
facilities	to		to	25511
	operate	Variance	install	25512
For each gasoline/ <u>fuel</u>				25513
dispensing facility	\$20	\$100	\$50 <u>100</u>	25514
(6) Dry cleaning				25515
Dry cleaning	Permit		Permit	25516
facilities	to		to	25517
	operate	Variance	install	25518
For each dry cleaning				25519
facility (<u>includes all units</u>	\$50	\$200	\$100	25520
<u>at the facility</u>)				25521
(7) Coal mining operations regulated under Chapter 1513. of				25522
the Revised Code shall be assessed a fee of two hundred fifty				25523

dollars per mine or location. <u>Registration status</u>	25524
<u>Permit</u>	25525
<u>to</u>	25526
<u>install</u>	25527
<u>For each source covered by registration status</u> <u>\$75</u>	25528
(C)(1) Except as otherwise provided in division (C)(2) of	25529
this section, beginning July 1, 1994, each person who owns or	25530
operates an air contaminant source and who is required to apply	25531
for and obtain a Title V permit under section 3704.036 of the	25532
Revised Code shall pay the fees set forth in division (C)(1) of	25533
this section. For the purposes of that division, total emissions	25534
of air contaminants may be calculated using engineering	25535
calculations, emissions factors, material balance calculations, or	25536
performance testing procedures, as authorized by the director.	25537
The following fees shall be assessed on the total actual	25538
emissions from a source in tons per year of the regulated	25539
pollutants particulate matter, sulfur dioxide, nitrogen oxides,	25540
organic compounds, and lead:	25541
(a) Fifteen dollars per ton on the total actual emissions of	25542
each such regulated pollutant during the period July through	25543
December 1993, to be collected no sooner than July 1, 1994;	25544
(b) Twenty dollars per ton on the total actual emissions of	25545
each such regulated pollutant during calendar year 1994, to be	25546
collected no sooner than April 15, 1995;	25547
(c) Twenty-five dollars per ton on the total actual emissions	25548
of each such regulated pollutant in calendar year 1995, and each	25549
subsequent calendar year, to be collected no sooner than the	25550
fifteenth day of April of the year next succeeding the calendar	25551
year in which the emissions occurred.	25552
The fees levied under division (C)(1) of this section do not	25553
apply to that portion of the emissions of a regulated pollutant at	25554

a facility that exceed four thousand tons during a calendar year. 25555

(2) The fees assessed under division (C)(1) of this section 25556
are for the purpose of providing funding for the Title V permit 25557
program. 25558

(3) The fees assessed under division (C)(1) of this section 25559
do not apply to emissions from any electric generating unit 25560
designated as a Phase I unit under Title IV of the federal Clean 25561
Air Act prior to calendar year 2000. Those fees shall be assessed 25562
on the emissions from such a generating unit commencing in 25563
calendar year 2001 based upon the total actual emissions from the 25564
generating unit during calendar year 2000 and shall continue to be 25565
assessed each subsequent calendar year based on the total actual 25566
emissions from the generating unit during the preceding calendar 25567
year. 25568

(4) The director shall issue invoices to owners or operators 25569
of air contaminant sources who are required to pay a fee assessed 25570
under division (C) or (D) of this section. Any such invoice shall 25571
be issued no sooner than the applicable date when the fee first 25572
may be collected in a year under the applicable division, shall 25573
identify the nature and amount of the fee assessed, and shall 25574
indicate that the fee is required to be paid within thirty days 25575
after the issuance of the invoice. 25576

(D)(1) Except as provided in division (D)~~(2)~~(3) of this 25577
section, ~~beginning~~ from January 1, 1994, through December 31, 25578
2003, each person who owns or operates an air contaminant source; 25579
who is required to apply for a permit to operate pursuant to rules 25580
adopted under division (G), or a variance pursuant to division 25581
(H), of section 3704.03 of the Revised Code; and who is not 25582
required to apply for and obtain a Title V permit under section 25583
3704.036 of the Revised Code shall pay a single fee based upon the 25584
sum of the actual annual emissions from the facility of the 25585
regulated pollutants particulate matter, sulfur dioxide, nitrogen 25586

oxides, organic compounds, and lead in accordance with the 25587
following schedule: 25588

Total tons per year		25589
of regulated pollutants	Annual fee	25590
emitted	per facility	25591
More than 0, but less than 50	\$ 75	25592
50 or more, but less than 100	300	25593
100 or more	700	25594

(2) Except as provided in division (D)(3) of this section, 25595
beginning January 1, 2004, each person who owns or operates an air 25596
contaminant source; who is required to apply for a permit to 25597
operate pursuant to rules adopted under division (G), or a 25598
variance pursuant to division (H), of section 3704.03 of the 25599
Revised Code; and who is not required to apply for and obtain a 25600
Title V permit under section 3704.03 of the Revised Code shall pay 25601
a single fee based upon the sum of the actual annual emissions 25602
from the facility of the regulated pollutants particulate matter, 25603
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 25604
accordance with the following schedule: 25605

<u>Total tons per year</u>		25606
<u>of regulated pollutants</u>	<u>Annual fee</u>	25607
<u>emitted</u>	<u>per facility</u>	25608
<u>More than 0, but less than 10</u>	<u>\$ 100</u>	25609
<u>10 or more, but less than 50</u>	<u>200</u>	25610
<u>50 or more, but less than 100</u>	<u>300</u>	25611
<u>100 or more</u>	<u>700</u>	25612

(3)(a) As used in division (D) of this section, "synthetic 25613
minor facility" means a facility for which one or more permits to 25614
install or permits to operate have been issued for the air 25615
contaminant sources at the facility that include terms and 25616
conditions that lower the facility's potential to emit air 25617
contaminants below the major source thresholds established in 25618

rules adopted under section 3704.036 of the Revised Code. 25619

(b) Beginning January 1, 2000, through June 30, ~~2004~~ 2006, 25620
each person who owns or operates a synthetic minor facility shall 25621
pay an annual fee based on the sum of the actual annual emissions 25622
from the facility of particulate matter, sulfur dioxide, nitrogen 25623
dioxide, organic compounds, and lead in accordance with the 25624
following schedule: 25625

Combined total tons 25626	Annual fee 25627
per year of all regulated 25627	per facility 25628
pollutants emitted 25628	
Less than 10 25629	\$ 170 25629
10 or more, but less than 20 25630	340 25630
20 or more, but less than 30 25631	670 25631
30 or more, but less than 40 25632	1,010 25632
40 or more, but less than 50 25633	1,340 25633
50 or more, but less than 60 25634	1,680 25634
60 or more, but less than 70 25635	2,010 25635
70 or more, but less than 80 25636	2,350 25636
80 or more, but less than 90 25637	2,680 25637
90 or more, but less than 100 25638	3,020 25638
100 or more 25639	3,350 25639

~~(3)~~(4) The fees assessed under division (D)(1) of this 25640
section shall be collected annually no sooner than the fifteenth 25641
day of April, commencing in 1995. The fees assessed under division 25642
(D)(2) of this section shall be collected annually no sooner than 25643
the fifteenth day of April, commencing in 2005. The fees assessed 25644
under division (D)~~(2)~~(3) of this section shall be collected no 25645
sooner than the fifteenth day of April, commencing in 2000. The 25646
fees assessed under division (D) of this section in a calendar 25647
year shall be based upon the sum of the actual emissions of those 25648
regulated pollutants during the preceding calendar year. For the 25649
purpose of division (D) of this section, emissions of air 25650

contaminants may be calculated using engineering calculations, 25651
emission factors, material balance calculations, or performance 25652
testing procedures, as authorized by the director. The director, 25653
by rule, may require persons who are required to pay the fees 25654
assessed under division (D) of this section to pay those fees 25655
biennially rather than annually. 25656

(E)(1) Consistent with the need to cover the reasonable costs 25657
of the Title V permit program, the director annually shall 25658
increase the fees prescribed in division (C)(1) of this section by 25659
the percentage, if any, by which the consumer price index for the 25660
most recent calendar year ending before the beginning of a year 25661
exceeds the consumer price index for calendar year 1989. Upon 25662
calculating an increase in fees authorized by division (E)(1) of 25663
this section, the director shall compile revised fee schedules for 25664
the purposes of division (C)(1) of this section and shall make the 25665
revised schedules available to persons required to pay the fees 25666
assessed under that division and to the public. 25667

(2) For the purposes of division (E)(1) of this section: 25668

(a) The consumer price index for any year is the average of 25669
the consumer price index for all urban consumers published by the 25670
United States department of labor as of the close of the 25671
twelve-month period ending on the thirty-first day of August of 25672
that year. 25673

(b) If the 1989 consumer price index is revised, the director 25674
shall use the revision of the consumer price index that is most 25675
consistent with that for calendar year 1989. 25676

(F) Each person who is issued a permit to install pursuant to 25677
rules adopted under division (F) of section 3704.03 of the Revised 25678
Code on or after ~~January 1, 1994~~ July 1, 2003, shall pay the fees 25679
specified in the following schedules: 25680

(1) Fuel-burning equipment (boilers, furnaces, or process) 25681

<u>heaters used in the process of burning fuel for the primary</u>		25682
<u>purpose of producing heat or power by indirect heat transfer)</u>		25683
Input capacity (maximum)		25684
(million British thermal units per hour)	Permit to install	25685
Greater than 0, but less than 10	\$ 200	25686
10 or more, but less than 100	400	25687
100 or more, but less than 300	800 <u>1000</u>	25688
300 or more, but less than 500	1500 <u>2250</u>	25689
500 or more, but less than 1000	2500 <u>3750</u>	25690
1000 or more, but less than 5000	4000 <u>6000</u>	25691
5000 or more	6000 <u>9000</u>	25692

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) Combustion turbines and stationary internal combustion
 engines designed to generate electricity

<u>Generating capacity (mega watts)</u>	<u>Permit to install</u>	25698
<u>0 or more, but less than 10</u>	<u>\$ 25</u>	25699
<u>10 or more, but less than 25</u>	<u>150</u>	25700
<u>25 or more, but less than 50</u>	<u>300</u>	25701
<u>50 or more, but less than 100</u>	<u>500</u>	25702
<u>100 or more, but less than 250</u>	<u>1000</u>	25703
<u>250 or more</u>	<u>2000</u>	25704

(3) Incinerators 25705

Input capacity (pounds per hour)	Permit to install	25706
0 to 100	\$ 100	25707
101 to 500	400 <u>500</u>	25708
501 to 2000	750 <u>1000</u>	25709
2001 to 20,000	1000 <u>1500</u>	25710
more than 20,000	2500 <u>3750</u>	25711

~~(3)~~(4)(a) Process 25712

Process weight rate (pounds per hour)	Permit to install	25713
---------------------------------------	-------------------	-------

0 to 1000	\$ 200	25714
1001 to 5000	400 500	25715
5001 to 10,000	600 750	25716
10,001 to 50,000	800 1000	25717
more than 50,000	1000 1250	25718

In any process where process weight rate cannot be 25719
ascertained, the minimum fee shall be assessed. A boiler, furnace, 25720
combustion turbine, stationary internal combustion engine, or 25721
process heater designed to provide direct heat or power to a 25722
process not designed to generate electricity shall be assessed a 25723
fee established in division (F)(4)(a) of this section. A 25724
combustion turbine or stationary internal combustion engine 25725
designed to generate electricity shall be assessed a fee 25726
established in division (F)(2) of this section. 25727

(b) Notwithstanding division (F)(3)(a) of this section, any 25728
person issued a permit to install pursuant to rules adopted under 25729
division (F) of section 3704.03 of the Revised Code shall pay the 25730
fees set forth in division (F)(3)(c) of this section for a process 25731
used in any of the following industries, as identified by the 25732
applicable four-digit standard industrial classification code 25733
according to the Standard Industrial Classification Manual 25734
published by the United States office of management and budget in 25735
the executive office of the president, 1972, as revised: 25736

- 1211 Bituminous coal and lignite mining; 25737
- 1213 Bituminous coal and lignite mining services; 25738
- 1411 Dimension stone; 25739
- 1422 Crushed and broken limestone; 25740
- 1427 Crushed and broken stone, not elsewhere classified; 25741
- 1442 Construction sand and gravel; 25742
- 1446 Industrial sand; 25743

3281 Cut stone and stone products;		25744
3295 Minerals and earth, ground or otherwise treated.		25745
(c) The fees set forth in the following schedule apply to the		25746
issuance of a permit to install pursuant to rules adopted under		25747
division (F) of section 3704.03 of the Revised Code for a process		25748
identified in division (F)(3)(b) of this section:		25749
Gallons (maximum		25750
useful capacity <u>Process weight rate</u>	Permit to install	25751
(pounds per hour)		
0 to 20,000 <u>10,000</u>	\$ 100 <u>200</u>	25752
20,001 <u>10,001</u> to 40,000 <u>50,000</u>	150 <u>400</u>	25753
40,001 <u>50,001</u> to 100,000	200 <u>500</u>	25754
100,001 to 250,000 <u>200,000</u>	250 <u>600</u>	25755
250,001 <u>200,001</u> to 500,000 <u>400,000</u>	350 <u>750</u>	25756
500,001 to 1,000,000	500	25757
1,000,001 <u>400,001</u> or greater <u>more</u>	750 <u>900</u>	25758
(4) <u>(5)</u> Storage tanks		25759
Gallons (maximum useful capacity)	Permit to install	25760
0 to 20,000	\$ 100	25761
20,001 to 40,000	150	25762
40,001 to 100,000	200 <u>250</u>	25763
100,001 to 250,000	250	25764
250,001 to 500,000	350 <u>400</u>	25765
500,001 to 1,000,000	500	25766
1,000,001 or greater	750	25767
(5) <u>(6)</u> Gasoline/fuel dispensing facilities		25768
For each gasoline/fuel	Permit to install	25769
dispensing facility (<u>includes all</u>	\$ 100	25770
<u>units at the facility</u>)		
(6) <u>(7)</u> Dry cleaning facilities		25771
For each dry cleaning		25772

facility (includes all units	Permit to install	25773
at the facility)	\$ 100	25774
(7) (8) Registration status		25775
For each source covered	Permit to install	25776
by registration status	\$ 75	25777
(G) An owner or operator who is responsible for an asbestos		25778
demolition or renovation project pursuant to rules adopted under		25779
section 3704.03 of the Revised Code shall pay the fees set forth		25780
in the following schedule:		25781
Action	Fee	25782
Each notification	\$75	25783
Asbestos removal	\$3/unit	25784
Asbestos cleanup	\$4/cubic yard	25785
For purposes of this division, "unit" means any combination of		25786
linear feet or square feet equal to fifty.		25787
(H) A person who is issued an extension of time for a permit		25788
to install an air contaminant source pursuant to rules adopted		25789
under division (F) of section 3704.03 of the Revised Code shall		25790
pay a fee equal to one-half the fee originally assessed for the		25791
permit to install under this section, except that the fee for such		25792
an extension shall not exceed two hundred dollars.		25793
(I) A person who is issued a modification to a permit to		25794
install an air contaminant source pursuant to rules adopted under		25795
section 3704.03 of the Revised Code shall pay a fee equal to		25796
one-half of the fee that would be assessed under this section to		25797
obtain a permit to install the source. The fee assessed by this		25798
division only applies to modifications that are initiated by the		25799
owner or operator of the source and shall not exceed two thousand		25800
dollars.		25801
(J) Notwithstanding division (B) or (F) of this section, a		25802
person who applies for or obtains a permit to install pursuant to		25803

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 25836
or renewal of a water discharge permit pursuant to Chapter 6111. 25837
of the Revised Code shall pay a fee based on each point source to 25838
which the issuance is applicable in accordance with the following 25839
schedule: 25840

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	25842
1,001 to 5000	100	25843
5,001 to 50,000	200	25844
50,001 to 100,000	300	25845
100,001 to 300,000	525	25846
over 300,000	750	25847

(b) Notwithstanding the fee schedule specified in division 25848
(L)(1)(a) of this section, the fee for a water discharge permit 25849
that is applicable to coal mining operations regulated under 25850
Chapter 1513. of the Revised Code shall be two hundred fifty 25851
dollars per mine. 25852

(c) Notwithstanding the fee schedule specified in division 25853
(L)(1)(a) of this section, the fee for a water discharge permit 25854
for a public discharger identified by I in the third character of 25855
the permittee's NPDES permit number shall not exceed seven hundred 25856
fifty dollars. 25857

(2) A person applying for a plan approval for a wastewater 25858
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 25859
of the Revised Code shall pay a fee of one hundred dollars plus 25860
sixty-five one-hundredths of one per cent of the estimated project 25861
cost through June 30, ~~2004~~ 2006, and one hundred dollars plus 25862
two-tenths of one per cent of the estimated project cost on and 25863
after July 1, ~~2004~~ 2006, except that the total fee shall not 25864
exceed fifteen thousand dollars through June 30, ~~2004~~ 2006, and 25865
five thousand dollars on and after July 1, ~~2004~~ 2006. The fee 25866
shall be paid at the time the application is submitted. 25867

(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, ~~2002~~ 2004, and January 30, ~~2003~~ 2005, 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. 25900
 25901

(iii) The annual discharge fee established in division 25902
 (L)(5)(a)(i) of this section, except for the surcharge applicable 25903
 to certain industrial facilities pursuant to division (L)(5)(c) of 25904
 this section, shall be based upon the average daily discharge flow 25905
 in gallons per day calculated using first day of May through 25906
 thirty-first day of October flow data for the period two years 25907
 prior to the date on which the fee is due. In the case of NPDES 25908
 discharge permits for new sources, the fee shall be calculated 25909
 using the average daily design flow of the facility until actual 25910
 average daily discharge flow values are available for the time 25911
 period specified in division (L)(5)(a)(iii) of this section. The 25912
 annual discharge fee may be prorated for a new source as described 25913
 in division (L)(5)(a)(ii) of this section. 25914

(b) An NPDES permit holder that is a public discharger shall 25915
 pay the fee specified in the following schedule: 25916

Average daily	Fee due by	
discharge flow	January 30,	
	2002 <u>2004</u> , and	
	January 30, 2003	
	<u>2005</u>	
5,000 to 49,999	\$ 200	25921
50,000 to 100,000	500	25922
100,001 to 250,000	1,050	25923
250,001 to 1,000,000	2,600	25924
1,000,001 to 5,000,000	5,200	25925
5,000,001 to 10,000,000	10,350	25926
10,000,001 to 20,000,000	15,550	25927
20,000,001 to 50,000,000	25,900	25928
50,000,001 to 100,000,000	41,400	25929
100,000,001 or more	62,100	25930

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) 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, 2002 <u>2004</u> , and January 30, 2003 <u>2005</u>	
5,000 to 49,999	\$ 250	25947
50,000 to 250,000	1,200	25948
250,001 to 1,000,000	2,950	25949
1,000,001 to 5,000,000	5,850	25950
5,000,001 to 10,000,000	8,800	25951
10,000,001 to 20,000,000	11,700	25952
20,000,001 to 100,000,000	14,050	25953
100,000,001 to 250,000,000	16,400	25954
250,000,001 or more	18,700	25955

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 seven thousand five hundred dollars not later than January 30, ~~2002~~ 2004, and not

later than January 30, ~~2003~~ 2005. Any person who fails to pay the 25962
surcharge at that time shall pay an additional amount that equals 25963
ten per cent of the amount of the surcharge. 25964

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 25965
section, a public discharger identified by I in the third 25966
character of the permittee's NPDES permit number and an industrial 25967
discharger identified by I, J, L, V, W, X, Y, or Z in the third 25968
character of the permittee's NPDES permit number shall pay a 25969
nonrefundable annual discharge fee of one hundred eighty dollars 25970
not later than January 30, ~~2002~~ 2004, and not later than January 25971
30, ~~2003~~ 2005. Any person who fails to pay the fee at that time 25972
shall pay an additional amount that equals ten per cent of the 25973
required fee. 25974

(6) Each person obtaining a national pollutant discharge 25975
elimination system general or individual permit for municipal 25976
storm water discharge shall pay a nonrefundable storm water 25977
discharge fee of one hundred dollars per square mile of area 25978
permitted. The fee shall not exceed ten thousand dollars and shall 25979
be payable on or before January 30, 2004, and the thirtieth day of 25980
January of each year thereafter. Any person who fails to pay the 25981
fee on the date specified in division (L)(6) of this section shall 25982
pay an additional amount per year equal to ten per cent of the 25983
annual fee that is unpaid. 25984

(7) The director shall transmit all moneys collected under 25985
division (L) of this section to the treasurer of state for deposit 25986
into the state treasury to the credit of the surface water 25987
protection fund created in section 6111.038 of the Revised Code. 25988

(8) As used in division (L) of this section: 25989

(a) "NPDES" means the federally approved national pollutant 25990
discharge elimination system program for issuing, modifying, 25991
revoking, reissuing, terminating, monitoring, and enforcing 25992

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, ~~2004~~ 2006, 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, ~~2004~~ 2006, the fee is:

Number of service connections	Fee amount
Not more than 49	\$ 56 <u>112</u>

50 to 99	88 <u>176</u>	26024
Number of service connections	Average cost per connection	26025
100 to 2,499	\$.96 <u>1.92</u>	26026
2,500 to 4,999	-.92 <u>1.60</u>	26027
5,000 to 7,499	-.88 <u>1.54</u>	26028
7,500 to 9,999	-.84 <u>1.48</u>	26029
10,000 to 14,999	-.80 <u>1.28</u>	26030
15,000 to 24,999	-.76 <u>1.22</u>	26031
25,000 to 49,999	-.72 <u>1.16</u>	26032
50,000 to 99,999	-.68 <u>.92</u>	26033
100,000 to 149,999	-.64 <u>.86</u>	26034
150,000 to 199,999	-.60 <u>.80</u>	26035
200,000 or more	-.56 <u>.76</u>	26036

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, ~~2004~~ 2006, the fee is:

Population served	Fee amount	26050
Fewer than 150	\$ 56 <u>112</u>	26051
150 to 299	88 <u>176</u>	26052
300 to 749	192 <u>384</u>	26053
750 to 1,499	392 <u>686</u>	26054
1,500 to 2,999	792 <u>1,386</u>	26055

3,000 to 7,499	1,760 <u>3,080</u>	26056
7,500 to 14,999	3,800 <u>6,270</u>	26057
15,000 to 22,499	6,240 <u>10,296</u>	26058
22,500 to 29,999	8,576 <u>14,150</u>	26059
30,000 or more	11,600 <u>19,140</u>	26060

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, ~~2004~~ 2006, the fee is:

Number of wells supplying system	Fee amount	
1	\$ 56 <u>112</u>	26073
2	56 <u>112</u>	26074
3	88 <u>176</u>	26075
4	192 <u>316</u>	26076
5	392 <u>646</u>	26077
System supplied by surface water, springs, or dug wells	792 <u>1,300</u>	26079

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 fifty dollars plus ~~two-tenths~~ thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed ~~fifteen~~ twenty

thousand dollars through June 30, ~~2004~~ 2006, and ~~five~~ fifteen 26088
thousand dollars on and after July 1, ~~2004~~ 2006. The fee shall be 26089
paid at the time the application is submitted. 26090

(2) A person who has entered into an agreement with the 26091
director under division (A)(2) of section 6109.07 of the Revised 26092
Code shall pay an administrative service fee for each plan 26093
submitted under that section for approval that shall not exceed 26094
the minimum amount necessary to pay administrative costs directly 26095
attributable to processing plan approvals. The director annually 26096
shall calculate the fee and shall notify all persons that have 26097
entered into agreements under that division, or who have applied 26098
for agreements, of the amount of the fee. 26099

(3) Through June 30, ~~2004~~ 2006, the following fee, on a per 26100
survey basis, shall be charged any person for services rendered by 26101
the state in the evaluation of laboratories and laboratory 26102
personnel for compliance with accepted analytical techniques and 26103
procedures established pursuant to Chapter 6109. of the Revised 26104
Code for determining the qualitative characteristics of water: 26105

microbiological	\$1,650	26106
<u>MMO-MUG</u>	<u>\$2,000</u>	26107
<u>MF</u>	<u>2,100</u>	26108
<u>MMO-MUG and MF</u>	<u>2,550</u>	26109
organic chemical	3,500 <u>5,400</u>	26110
inorganic chemical	3,500 <u>5,400</u>	26111
standard chemistry	1,800 <u>2,800</u>	26112
limited chemistry	1,000 <u>1,550</u>	26113

On and after July 1, ~~2004~~ 2006, the following fee, on a per 26114
survey basis, shall be charged any such person: 26115

microbiological	\$250 <u>1,650</u>	26116
chemical/radiological	250 <u>3,500</u>	26117
nitrate/turbidity (only)	150 <u>1,000</u>	26118

The fee for those services shall be paid at the time the request 26119

for the survey is made. Through June 30, ~~2004~~ 2006, an individual 26120
laboratory shall not be assessed a fee under this division more 26121
than once in any three-year period unless the person requests the 26122
addition of analytical methods or analysts, in which case the 26123
person shall pay eighteen hundred dollars for each additional 26124
survey requested. 26125

As used in division (N)(3) of this section: 26126

(a) "MF" means microfiltration. 26127

(b) "MMO" means minimal medium ONPG. 26128

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 26129

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 26130

The director shall transmit all moneys collected under this 26131
division to the treasurer of state for deposit into the drinking 26132
water protection fund created in section 6109.30 of the Revised 26133
Code. 26134

(O) Any person applying to the director for examination for 26135
certification as an operator of a water supply system or 26136
wastewater system under Chapter 6109. or 6111. of the Revised 26137
Code, at the time the application is submitted, shall pay an 26138
application fee of ~~twenty-five~~ forty-five dollars through June 30, 26139
~~2004~~ 2006, and ~~ten~~ twenty-five dollars on and after July 1, ~~2004~~ 26140
2006. Upon approval from the director that the applicant is 26141
eligible to take the examination therefor, the applicant shall pay 26142
a fee in accordance with the following schedule through June 30, 26143
~~2004~~ 2006: 26144

<u>Class A operator</u>	<u>\$45</u>	26145
Class I operator	\$45 <u>75</u>	26146
Class II operator	55 <u>95</u>	26147
Class III operator	65 <u>110</u>	26148
Class IV operator	75 <u>125</u>	26149

On and after July 1, ~~2004~~ 2006, the applicant shall pay a fee 26150
in accordance with the following schedule: 26151

<u>Class A operator</u>	<u>\$25</u>	26152
Class I operator	\$25 <u>45</u>	26153
Class II operator	35 <u>55</u>	26154
Class III operator	45 <u>65</u>	26155
Class IV operator	55 <u>75</u>	26156

A person shall pay a biennial certification renewal fee for 26157
each applicable class of certification in accordance with the 26158
following schedule: 26159

<u>Class A operator</u>	<u>\$25</u>	26160
<u>Class I operator</u>	<u>35</u>	26161
<u>Class II operator</u>	<u>45</u>	26162
<u>Class III operator</u>	<u>55</u>	26163
<u>Class IV operator</u>	<u>65</u>	26164

If a certification renewal fee is received by the director 26165
more than thirty days, but not more than one year after the 26166
expiration date of the certification, the person shall pay a 26167
certification renewal fee in accordance with the following 26168
schedule: 26169

<u>Class A operator</u>	<u>\$45</u>	26170
<u>Class I operator</u>	<u>55</u>	26171
<u>Class II operator</u>	<u>65</u>	26172
<u>Class III operator</u>	<u>75</u>	26173
<u>Class IV operator</u>	<u>85</u>	26174

A person who requests a replacement certificate shall pay a 26175
fee of twenty-five dollars at the time the request is made. 26176

The director shall transmit all moneys collected under this 26177
division to the treasurer of state for deposit into the drinking 26178
water protection fund created in section 6109.30 of the Revised 26179
Code. 26180

(P) Through June 30, 2004, any person submitting an 26181
application for an industrial water pollution control certificate 26182
under section 6111.31 of the Revised Code shall pay a 26183
nonrefundable fee of five hundred dollars at the time the 26184
application is submitted. The director shall transmit all moneys 26185
collected under this division to the treasurer of state for 26186
deposit into the surface water protection fund created in section 26187
6111.038 of the Revised Code. A person paying a certificate fee 26188
under this division shall not pay an application fee under 26189
division (S)(1) of this section. 26190

(Q) Except as otherwise provided in division (R) of this 26191
section, a person issued a permit by the director for a new solid 26192
waste disposal facility other than an incineration or composting 26193
facility, a new infectious waste treatment facility other than an 26194
incineration facility, or a modification of such an existing 26195
facility that includes an increase in the total disposal or 26196
treatment capacity of the facility pursuant to Chapter 3734. of 26197
the Revised Code shall pay a fee of ten dollars per thousand cubic 26198
yards of disposal or treatment capacity, or one thousand dollars, 26199
whichever is greater, except that the total fee for any such 26200
permit shall not exceed eighty thousand dollars. A person issued a 26201
modification of a permit for a solid waste disposal facility or an 26202
infectious waste treatment facility that does not involve an 26203
increase in the total disposal or treatment capacity of the 26204
facility shall pay a fee of one thousand dollars. A person issued 26205
a permit to install a new, or modify an existing, solid waste 26206
transfer facility under that chapter shall pay a fee of two 26207
thousand five hundred dollars. A person issued a permit to install 26208
a new or to modify an existing solid waste incineration or 26209
composting facility, or an existing infectious waste treatment 26210
facility using incineration as its principal method of treatment, 26211
under that chapter shall pay a fee of one thousand dollars. The 26212

increases in the permit fees under this division resulting from 26213
the amendments made by Amended Substitute House Bill 592 of the 26214
117th general assembly do not apply to any person who submitted an 26215
application for a permit to install a new, or modify an existing, 26216
solid waste disposal facility under that chapter prior to 26217
September 1, 1987; any such person shall pay the permit fee 26218
established in this division as it existed prior to June 24, 1988. 26219
In addition to the applicable permit fee under this division, a 26220
person issued a permit to install or modify a solid waste facility 26221
or an infectious waste treatment facility under that chapter who 26222
fails to pay the permit fee to the director in compliance with 26223
division (V) of this section shall pay an additional ten per cent 26224
of the amount of the fee for each week that the permit fee is 26225
late. 26226

Permit and late payment fees paid to the director under this 26227
division shall be credited to the general revenue fund. 26228

(R)(1) A person issued a registration certificate for a scrap 26229
tire collection facility under section 3734.75 of the Revised Code 26230
shall pay a fee of two hundred dollars, except that if the 26231
facility is owned or operated by a motor vehicle salvage dealer 26232
licensed under Chapter 4738. of the Revised Code, the person shall 26233
pay a fee of twenty-five dollars. 26234

(2) A person issued a registration certificate for a new 26235
scrap tire storage facility under section 3734.76 of the Revised 26236
Code shall pay a fee of three hundred dollars, except that if the 26237
facility is owned or operated by a motor vehicle salvage dealer 26238
licensed under Chapter 4738. of the Revised Code, the person shall 26239
pay a fee of twenty-five dollars. 26240

(3) A person issued a permit for a scrap tire storage 26241
facility under section 3734.76 of the Revised Code shall pay a fee 26242
of one thousand dollars, except that if the facility is owned or 26243
operated by a motor vehicle salvage dealer licensed under Chapter 26244

4738. of the Revised Code, the person shall pay a fee of fifty 26245
dollars. 26246

(4) A person issued a permit for a scrap tire monocell or 26247
monofill facility under section 3734.77 of the Revised Code shall 26248
pay a fee of ten dollars per thousand cubic yards of disposal 26249
capacity or one thousand dollars, whichever is greater, except 26250
that the total fee for any such permit shall not exceed eighty 26251
thousand dollars. 26252

(5) A person issued a registration certificate for a scrap 26253
tire recovery facility under section 3734.78 of the Revised Code 26254
shall pay a fee of one hundred dollars. 26255

(6) A person issued a permit for a scrap tire recovery 26256
facility under section 3734.78 of the Revised Code shall pay a fee 26257
of one thousand dollars. 26258

(7) In addition to the applicable registration certificate or 26259
permit fee under divisions (R)(1) to (6) of this section, a person 26260
issued a registration certificate or permit for any such scrap 26261
tire facility who fails to pay the registration certificate or 26262
permit fee to the director in compliance with division (V) of this 26263
section shall pay an additional ten per cent of the amount of the 26264
fee for each week that the fee is late. 26265

(8) The registration certificate, permit, and late payment 26266
fees paid to the director under divisions (R)(1) to (7) of this 26267
section shall be credited to the scrap tire management fund 26268
created in section 3734.82 of the Revised Code. 26269

(S)(1) Except as provided by divisions (L), (M), (N), (O), 26270
(P), and (S)(2) of this section, division (A)(2) of section 26271
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 26272
and rules adopted under division (T)(1) of this section, any 26273
person applying for a registration certificate under section 26274
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 26275

variance, or plan approval under Chapter 3734. of the Revised Code 26276
shall pay a nonrefundable fee of fifteen dollars at the time the 26277
application is submitted. 26278

Except as otherwise provided, any person applying for a 26279
permit, variance, or plan approval under Chapter 6109. or 6111. of 26280
the Revised Code shall pay a nonrefundable fee of one hundred 26281
dollars at the time the application is submitted through June 30, 26282
~~2004~~ 2006, and a nonrefundable fee of fifteen dollars at the time 26283
the application is submitted on and after July 1, ~~2004~~ 2006. 26284
Through June 30, ~~2004~~ 2006, any person applying for a national 26285
pollutant discharge elimination system permit under Chapter 6111. 26286
of the Revised Code shall pay a nonrefundable fee of two hundred 26287
dollars at the time of application for the permit. On and after 26288
July 1, ~~2004~~ 2006, such a person shall pay a nonrefundable fee of 26289
fifteen dollars at the time of application. 26290

In addition to the application fee established under division 26291
(S)(1) of this section, any person applying for a national 26292
pollutant discharge elimination system general storm water 26293
construction permit shall pay a nonrefundable fee of twenty 26294
dollars per acre for each acre that is permitted above five acres 26295
at the time the application is submitted. However, the per acreage 26296
fee shall not exceed three hundred dollars. In addition, any 26297
person applying for a national pollutant discharge elimination 26298
system general storm water industrial permit shall pay a 26299
nonrefundable fee of one hundred fifty dollars at the time the 26300
application is submitted. 26301

The director shall transmit all moneys collected under 26302
division (S)(1) of this section pursuant to Chapter 6109. of the 26303
Revised Code to the treasurer of state for deposit into the 26304
drinking water protection fund created in section 6109.30 of the 26305
Revised Code. 26306

The director shall transmit all moneys collected under 26307

division (S)(1) of this section pursuant to Chapter 6111. of the 26308
Revised Code to the treasurer of state for deposit into the 26309
surface water protection fund created in section 6111.038 of the 26310
Revised Code. 26311

If a registration certificate is issued under section 26312
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 26313
the application fee paid shall be deducted from the amount of the 26314
registration certificate fee due under division (R)(1), (2), or 26315
(5) of this section, as applicable. 26316

If a person submits an electronic application for a 26317
registration certificate, permit, variance, or plan approval for 26318
which an application fee is established under division (S)(1) of 26319
this section, the person shall pay the applicable application fee 26320
as expeditiously as possible after the submission of the 26321
electronic application. An application for a registration 26322
certificate, permit, variance, or plan approval for which an 26323
application fee is established under division (S)(1) of this 26324
section shall not be reviewed or processed until the applicable 26325
application fee, and any other fees established under this 26326
division, are paid. 26327

(2) Division (S)(1) of this section does not apply to an 26328
application for a registration certificate for a scrap tire 26329
collection or storage facility submitted under section 3734.75 or 26330
3734.76 of the Revised Code, as applicable, if the owner or 26331
operator of the facility or proposed facility is a motor vehicle 26332
salvage dealer licensed under Chapter 4738. of the Revised Code. 26333

(T) The director may adopt, amend, and rescind rules in 26334
accordance with Chapter 119. of the Revised Code that do all of 26335
the following: 26336

(1) Prescribe fees to be paid by applicants for and holders 26337
of any license, permit, variance, plan approval, or certification 26338

required or authorized by Chapter 3704., 3734., 6109., or 6111. of 26339
the Revised Code that are not specifically established in this 26340
section. The fees shall be designed to defray the cost of 26341
processing, issuing, revoking, modifying, denying, and enforcing 26342
the licenses, permits, variances, plan approvals, and 26343
certifications. 26344

The director shall transmit all moneys collected under rules 26345
adopted under division (T)(1) of this section pursuant to Chapter 26346
6109. of the Revised Code to the treasurer of state for deposit 26347
into the drinking water protection fund created in section 6109.30 26348
of the Revised Code. 26349

The director shall transmit all moneys collected under rules 26350
adopted under division (T)(1) of this section pursuant to Chapter 26351
6111. of the Revised Code to the treasurer of state for deposit 26352
into the surface water protection fund created in section 6111.038 26353
of the Revised Code. 26354

(2) Exempt the state and political subdivisions thereof, 26355
including education facilities or medical facilities owned by the 26356
state or a political subdivision, or any person exempted from 26357
taxation by section 5709.07 or 5709.12 of the Revised Code, from 26358
any fee required by this section; 26359

(3) Provide for the waiver of any fee, or any part thereof, 26360
otherwise required by this section whenever the director 26361
determines that the imposition of the fee would constitute an 26362
unreasonable cost of doing business for any applicant, class of 26363
applicants, or other person subject to the fee; 26364

(4) Prescribe measures that the director considers necessary 26365
to carry out this section. 26366

(U) When the director reasonably demonstrates that the direct 26367
cost to the state associated with the issuance of a permit to 26368
install, license, variance, plan approval, or certification 26369

exceeds the fee for the issuance or review specified by this 26370
section, the director may condition the issuance or review on the 26371
payment by the person receiving the issuance or review of, in 26372
addition to the fee specified by this section, the amount, or any 26373
portion thereof, in excess of the fee specified under this 26374
section. The director shall not so condition issuances for which 26375
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 26376
section. 26377

(V) Except as provided in divisions (L), (M), and (P) of this 26378
section or unless otherwise prescribed by a rule of the director 26379
adopted pursuant to Chapter 119. of the Revised Code, all fees 26380
required by this section are payable within thirty days after the 26381
issuance of an invoice for the fee by the director or the 26382
effective date of the issuance of the license, permit, variance, 26383
plan approval, or certification. If payment is late, the person 26384
responsible for payment of the fee shall pay an additional ten per 26385
cent of the amount due for each month that it is late. 26386

(W) As used in this section, "fuel-burning equipment," 26387
"fuel-burning equipment input capacity," "incinerator," 26388
"incinerator input capacity," "process," "process weight rate," 26389
"storage tank," "gasoline dispensing facility," "dry cleaning 26390
facility," "design flow discharge," and "new source treatment 26391
works" have the meanings ascribed to those terms by applicable 26392
rules or standards adopted by the director under Chapter 3704. or 26393
6111. of the Revised Code. 26394

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 26395
and (J) of this section, and in any other provision of this 26396
section pertaining to fees paid pursuant to Chapter 3704. of the 26397
Revised Code: 26398

(1) "Facility," "federal Clean Air Act," "person," and "Title 26399
V permit" have the same meanings as in section 3704.01 of the 26400
Revised Code. 26401

(2) "Title V permit program" means the following activities 26402
as necessary to meet the requirements of Title V of the federal 26403
Clean Air Act and 40 C.F.R. part 70, including at least: 26404

(a) Preparing and adopting, if applicable, generally 26405
applicable rules or guidance regarding the permit program or its 26406
implementation or enforcement; 26407

(b) Reviewing and acting on any application for a Title V 26408
permit, permit revision, or permit renewal, including the 26409
development of an applicable requirement as part of the processing 26410
of a permit, permit revision, or permit renewal; 26411

(c) Administering the permit program, including the 26412
supporting and tracking of permit applications, compliance 26413
certification, and related data entry; 26414

(d) Determining which sources are subject to the program and 26415
implementing and enforcing the terms of any Title V permit, not 26416
including any court actions or other formal enforcement actions; 26417

(e) Emission and ambient monitoring; 26418

(f) Modeling, analyses, or demonstrations; 26419

(g) Preparing inventories and tracking emissions; 26420

(h) Providing direct and indirect support to small business 26421
stationary sources to determine and meet their obligations under 26422
the federal Clean Air Act pursuant to the small business 26423
stationary source technical and environmental compliance 26424
assistance program required by section 507 of that act and 26425
established in sections 3704.18, 3704.19, and 3706.19 of the 26426
Revised Code. 26427

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 26428
of this section, each sewage sludge facility shall pay a 26429
nonrefundable annual sludge fee equal to three dollars and fifty 26430
cents per dry ton of sewage sludge, including the dry tons of 26431

sewage sludge in materials derived from sewage sludge, that the 26432
sewage sludge facility treats or disposes of in this state. The 26433
annual volume of sewage sludge treated or disposed of by a sewage 26434
sludge facility shall be calculated using the first day of January 26435
through the thirty-first day of December of the calendar year 26436
preceding the date on which payment of the fee is due. 26437

(2)(a) Except as provided in division (Y)(2)(d) of this 26438
section, each sewage sludge facility shall pay a minimum annual 26439
sewage sludge fee of one hundred dollars. 26440

(b) The annual sludge fee required to be paid by a sewage 26441
sludge facility that treats or disposes of exceptional quality 26442
sludge in this state shall be thirty-five per cent less per dry 26443
ton of exceptional quality sludge than the fee assessed under 26444
division (Y)(1) of this section, subject to the following 26445
exceptions: 26446

(i) Except as provided in division (Y)(2)(d) of this section, 26447
a sewage sludge facility that treats or disposes of exceptional 26448
quality sludge shall pay a minimum annual sewage sludge fee of one 26449
hundred dollars. 26450

(ii) A sewage sludge facility that treats or disposes of 26451
exceptional quality sludge shall not be required to pay the annual 26452
sludge fee for treatment or disposal in this state of exceptional 26453
quality sludge generated outside of this state and contained in 26454
bags or other containers not greater than one hundred pounds in 26455
capacity. 26456

A thirty-five per cent reduction for exceptional quality 26457
sludge applies to the maximum annual fees established under 26458
division (Y)(3) of this section. 26459

(c) A sewage sludge facility that transfers sewage sludge to 26460
another sewage sludge facility in this state for further treatment 26461
prior to disposal in this state shall not be required to pay the 26462

annual sludge fee for the tons of sewage sludge that have been 26463
transferred. In such a case, the sewage sludge facility that 26464
disposes of the sewage sludge shall pay the annual sludge fee. 26465
However, the facility transferring the sewage sludge shall pay the 26466
one-hundred-dollar minimum fee required under division (Y)(2)(a) 26467
of this section. 26468

In the case of a sewage sludge facility that treats sewage 26469
sludge in this state and transfers it out of this state to another 26470
entity for disposal, the sewage sludge facility in this state 26471
shall be required to pay the annual sludge fee for the tons of 26472
sewage sludge that have been transferred. 26473

(d) A sewage sludge facility that generates sewage sludge 26474
resulting from an average daily discharge flow of less than five 26475
thousand gallons per day is not subject to the fees assessed under 26476
division (Y) of this section. 26477

(3) No sewage sludge facility required to pay the annual 26478
sludge fee shall be required to pay more than the maximum annual 26479
fee for each disposal method that the sewage sludge facility uses. 26480
The maximum annual fee does not include the additional amount that 26481
may be charged under division (Y)(5) of this section for late 26482
payment of the annual sludge fee. The maximum annual fee for the 26483
following methods of disposal of sewage sludge is as follows: 26484

(a) Incineration: five thousand dollars; 26485

(b) Preexisting land reclamation project or disposal in a 26486
landfill: five thousand dollars; 26487

(c) Land application, land reclamation, surface disposal, or 26488
any other disposal method not specified in division (Y)(3)(a) or 26489
(b) of this section: twenty thousand dollars. 26490

(4)(a) In the case of an entity that generates sewage sludge 26491
or a sewage sludge facility that treats sewage sludge and 26492
transfers the sewage sludge to an incineration facility for 26493

disposal, the incineration facility, and not the entity generating 26494
the sewage sludge or the sewage sludge facility treating the 26495
sewage sludge, shall pay the annual sludge fee for the tons of 26496
sewage sludge that are transferred. However, the entity or 26497
facility generating or treating the sewage sludge shall pay the 26498
one-hundred-dollar minimum fee required under division (Y)(2)(a) 26499
of this section. 26500

(b) In the case of an entity that generates sewage sludge and 26501
transfers the sewage sludge to a landfill for disposal or to a 26502
sewage sludge facility for land reclamation or surface disposal, 26503
the entity generating the sewage sludge, and not the landfill or 26504
sewage sludge facility, shall pay the annual sludge fee for the 26505
tons of sewage sludge that are transferred. 26506

(5) Not later than the first day of April of the calendar 26507
year following March 17, 2000, and each first day of April 26508
thereafter, the director shall issue invoices to persons who are 26509
required to pay the annual sludge fee. The invoice shall identify 26510
the nature and amount of the annual sludge fee assessed and state 26511
the first day of May as the deadline for receipt by the director 26512
of objections regarding the amount of the fee and the first day of 26513
July as the deadline for payment of the fee. 26514

Not later than the first day of May following receipt of an 26515
invoice, a person required to pay the annual sludge fee may submit 26516
objections to the director concerning the accuracy of information 26517
regarding the number of dry tons of sewage sludge used to 26518
calculate the amount of the annual sludge fee or regarding whether 26519
the sewage sludge qualifies for the exceptional quality sludge 26520
discount established in division (Y)(2)(b) of this section. The 26521
director may consider the objections and adjust the amount of the 26522
fee to ensure that it is accurate. 26523

If the director does not adjust the amount of the annual 26524
sludge fee in response to a person's objections, the person may 26525

appeal the director's determination in accordance with Chapter 26526
119. of the Revised Code. 26527

Not later than the first day of June, the director shall 26528
notify the objecting person regarding whether the director has 26529
found the objections to be valid and the reasons for the finding. 26530
If the director finds the objections to be valid and adjusts the 26531
amount of the annual sludge fee accordingly, the director shall 26532
issue with the notification a new invoice to the person 26533
identifying the amount of the annual sludge fee assessed and 26534
stating the first day of July as the deadline for payment. 26535

Not later than the first day of July, any person who is 26536
required to do so shall pay the annual sludge fee. Any person who 26537
is required to pay the fee, but who fails to do so on or before 26538
that date shall pay an additional amount that equals ten per cent 26539
of the required annual sludge fee. 26540

(6) The director shall transmit all moneys collected under 26541
division (Y) of this section to the treasurer of state for deposit 26542
into the surface water protection fund created in section 6111.038 26543
of the Revised Code. The moneys shall be used to defray the costs 26544
of administering and enforcing provisions in Chapter 6111. of the 26545
Revised Code and rules adopted under it that govern the use, 26546
storage, treatment, or disposal of sewage sludge. 26547

(7) Beginning in fiscal year 2001, and every two years 26548
thereafter, the director shall review the total amount of moneys 26549
generated by the annual sludge fees to determine if that amount 26550
exceeded six hundred thousand dollars in either of the two 26551
preceding fiscal years. If the total amount of moneys in the fund 26552
exceeded six hundred thousand dollars in either fiscal year, the 26553
director, after review of the fee structure and consultation with 26554
affected persons, shall issue an order reducing the amount of the 26555
fees levied under division (Y) of this section so that the 26556
estimated amount of moneys resulting from the fees will not exceed 26557

six hundred thousand dollars in any fiscal year. 26558

If, upon review of the fees under division (Y)(7) of this 26559
section and after the fees have been reduced, the director 26560
determines that the total amount of moneys collected and 26561
accumulated is less than six hundred thousand dollars, the 26562
director, after review of the fee structure and consultation with 26563
affected persons, may issue an order increasing the amount of the 26564
fees levied under division (Y) of this section so that the 26565
estimated amount of moneys resulting from the fees will be 26566
approximately six hundred thousand dollars. Fees shall never be 26567
increased to an amount exceeding the amount specified in division 26568
(Y)(7) of this section. 26569

Notwithstanding section 119.06 of the Revised Code, the 26570
director may issue an order under division (Y)(7) of this section 26571
without the necessity to hold an adjudicatory hearing in 26572
connection with the order. The issuance of an order under this 26573
division is not an act or action for purposes of section 3745.04 26574
of the Revised Code. 26575

(8) As used in division (Y) of this section: 26576

(a) "Sewage sludge facility" means an entity that performs 26577
treatment on or is responsible for the disposal of sewage sludge. 26578

(b) "Sewage sludge" means a solid, semi-solid, or liquid 26579
residue generated during the treatment of domestic sewage in a 26580
treatment works as defined in section 6111.01 of the Revised Code. 26581
"Sewage sludge" includes, but is not limited to, scum or solids 26582
removed in primary, secondary, or advanced wastewater treatment 26583
processes. "Sewage sludge" does not include ash generated during 26584
the firing of sewage sludge in a sewage sludge incinerator, grit 26585
and screenings generated during preliminary treatment of domestic 26586
sewage in a treatment works, animal manure, residue generated 26587
during treatment of animal manure, or domestic septage. 26588

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:	26589
	26590
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	26591
	26592
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	26593
	26594
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	26595
	26596
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	26597
	26598
(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.	26599
	26600
	26601
(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.	26602
	26603
	26604
(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.	26605
	26606
	26607
	26608
	26609
(g) "Land reclamation" means the returning of disturbed land to productive use.	26610
	26611
(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.	26612
	26613
	26614
	26615
(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	26616
	26617
	26618

device. 26619

(j) "Incineration facility" includes all incinerators owned 26620
or operated by the same entity and located on a contiguous tract 26621
of land. Areas of land are considered to be contiguous even if 26622
they are separated by a public road or highway. 26623

(k) "Annual sludge fee" means the fee assessed under division 26624
(Y)(1) of this section. 26625

(l) "Landfill" means a sanitary landfill facility, as defined 26626
in rules adopted under section 3734.02 of the Revised Code, that 26627
is licensed under section 3734.05 of the Revised Code. 26628

(m) "Preexisting land reclamation project" means a 26629
property-specific land reclamation project that has been in 26630
continuous operation for not less than five years pursuant to 26631
approval of the activity by the director and includes the 26632
implementation of a community outreach program concerning the 26633
activity. 26634

Sec. 3745.14. (A) As used in this section: 26635

(1) "Compliance review" means the review of an application 26636
for a permit, renewal of a permit, or plan approval, or 26637
modification thereof, for an existing or proposed facility, 26638
source, or activity and the accompanying engineering plans, 26639
specifications, and materials and information that are submitted 26640
under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 26641
and rules adopted under them for compliance with performance 26642
standards under the applicable chapter and rules adopted under it. 26643
"Compliance review" does not include the review of an application 26644
for a hazardous waste facility installation and operation permit 26645
or the renewal or modification of such a permit, a permit to 26646
establish or modify an infectious waste treatment facility, a 26647
permit to install a solid waste incineration facility that also 26648

would treat infectious wastes, or a permit to modify a solid waste 26649
incineration facility to also treat infectious wastes under 26650
Chapter 3734. of the Revised Code. 26651

(2) "Engineer" includes both of the following: 26652

(a) A professional engineer registered under Chapter 4733. of 26653
the Revised Code; 26654

(b) A firm, partnership, association, or corporation 26655
providing engineering services in this state in compliance with 26656
Chapter 4733. of the Revised Code. 26657

(B) The director of environmental protection, in accordance 26658
with Chapter 119. of the Revised Code, shall adopt, and may amend 26659
and rescind, rules establishing a program for the certification of 26660
engineers to conduct compliance reviews. The rules, at a minimum, 26661
shall do all of the following: 26662

(1) Require that the program be administered by the director; 26663

(2) Establish eligibility criteria for certification to 26664
conduct compliance reviews; 26665

(3) Establish criteria for denying, suspending, and revoking 26666
certifications and renewals of certifications issued pursuant to 26667
rules adopted under division (B) of this section; 26668

(4) Require the periodic renewal of certifications issued 26669
pursuant to rules adopted under division (B) of this section; 26670

(5) Establish an application fee and fee for issuance for 26671
certifications under this section. The fees shall be established 26672
at a level calculated to defray the costs to the environmental 26673
protection agency for administering the certification program 26674
established by rules adopted under division (B) of this section. 26675
All such application and certification fees received by the 26676
director shall be deposited into the state treasury to the credit 26677
of the permit review fund created in division (E) of this section. 26678

(C) The director shall maintain a current list of all 26679
engineers who are certified to conduct compliance reviews pursuant 26680
to rules adopted under this section. The list shall indicate the 26681
types of permits, permit renewals, and plan approvals that each 26682
engineer is certified to review and the types or categories of 26683
facilities, sources, or activities in connection with which the 26684
engineer is certified to conduct the reviews. Upon request, the 26685
director shall provide a copy of the list to anyone requesting it. 26686

(D) An applicant for a permit, renewal of a permit, plan 26687
approval, or modification thereof, under Chapter 3704., 3734., 26688
6109., or 6111. of the Revised Code and applicable rules adopted 26689
under them, other than a hazardous waste facility installation and 26690
operation permit or renewal or modification of such a permit, a 26691
permit to establish or modify an infectious waste treatment 26692
facility, a permit to install a solid waste incineration facility 26693
that also would treat infectious wastes, or a permit to modify a 26694
solid waste incineration facility to also treat infectious wastes 26695
under Chapter 3734. of the Revised Code, may submit a written 26696
request to the director to have the compliance review conducted by 26697
an engineer certified under this section. The request shall 26698
accompany the permit application, shall indicate the applicant's 26699
choice from among the certified engineers on the director's list 26700
who are qualified to conduct the compliance review, shall be 26701
accompanied by separate certifications by the applicant and the 26702
engineer indicating that the applicant does not have and has not 26703
had during the preceding two years a financial interest in the 26704
engineer and has not employed or retained the engineer to perform 26705
services for the applicant during the preceding two years, and may 26706
be accompanied by a draft proposal for conducting the compliance 26707
review that was developed by the applicant and the engineer. No 26708
such draft proposal is binding upon the director. 26709

Within seven days after receiving a request under this 26710

division, the director shall do all of the following, as 26711
appropriate: 26712

(1) In the director's discretion, approve or disapprove the 26713
applicant's request to have the compliance review of the 26714
application conducted by an engineer on the list of certified 26715
engineers prepared under this section; 26716

(2) If the director approves the conducting of the compliance 26717
review by such a certified engineer, approve or disapprove, in the 26718
director's discretion, the applicant's choice of the engineer; 26719

(3) Mail written notice of decisions made under divisions 26720
(D)(1) and (2) of this section to the applicant. 26721

If the director fails to mail notice of the director's 26722
decisions on the request to the applicant within seven days after 26723
receiving the request, it is conclusively presumed that the 26724
director approved the applicant's request to have the compliance 26725
review conducted by a certified engineer and the applicant's 26726
choice of the engineer, and the director shall enter into a 26727
contract with the engineer chosen by the applicant. If the 26728
director disapproves the applicant's choice of an engineer and 26729
provides timely notice of the disapproval to the applicant, the 26730
director and applicant, by mutual agreement, shall select another 26731
engineer from the list prepared under this section to conduct the 26732
compliance review, and the director shall enter into a contract 26733
with that engineer. 26734

(E) The director may enter into contracts for conducting 26735
performance reviews under division (D) of this section without 26736
advertising for bids. The commencement of any work under such a 26737
contract shall be contingent upon the director's receipt of 26738
payment from the applicant of an amount that is equal to one 26739
hundred ten per cent of the amount specified in the contract, 26740
excluding contingencies for any additional work that may be needed 26741

to properly complete the review and that was not anticipated when 26742
the contract was made. Moneys received by the director from an 26743
applicant shall be deposited into the permit review fund, which is 26744
hereby created in the state treasury. The director shall use 26745
moneys in the fund to pay the cost of compliance reviews conducted 26746
pursuant to contracts entered into under division (D) of this 26747
section and to administer the certification program established 26748
under division (B) of this section. The director may use any 26749
moneys in the fund not needed for those purposes to administer the 26750
environmental laws or programs of this state. 26751

If, while conducting a compliance review, the engineer finds 26752
that work in addition to that upon which the cost under the 26753
contract was based, or any additional work previously authorized 26754
under this division, is needed to properly review the application 26755
and accompanying information for compliance with the applicable 26756
performance standards, the engineer shall notify the director of 26757
that fact and of the cost of the additional work, as determined 26758
pursuant to the terms of the contract. If the director finds that 26759
the additional work is needed and that the costs of performing the 26760
work have been determined in accordance with the terms of the 26761
contract, the director shall authorize the contractor to perform 26762
the work. Upon completion of the additional work, the contractor 26763
shall submit to the director an invoice for the cost of performing 26764
the additional work, and the director shall forward a copy of the 26765
invoice to the applicant. The applicant is liable to the state for 26766
an amount equal to one hundred ten per cent of the cost of 26767
performing the additional work and, within thirty days after 26768
receiving a copy of the invoice, shall pay to the director an 26769
amount equal to one hundred ten per cent of the amount indicated 26770
on the invoice. Upon receiving this payment, the director shall 26771
forward the moneys to the treasurer of state, who shall deposit 26772
them into the state treasury to the credit of the permit review 26773
fund. 26774

Until the applicant pays to the director the amount due in connection with the additional work, the director shall not issue to the applicant any permit, renewal of a permit, or plan approval, or modification thereof, for which an application is pending before the director. The director also may certify the unpaid amount to the attorney general and request that the attorney general bring a civil action against the applicant to recover that amount. Any moneys so recovered shall be deposited into the state treasury to the credit of the permit review fund.

(F) Upon completing a compliance review conducted under this section, the engineer shall make a certification to the director as to whether the existing or proposed facility, source, activity, or modification will comply with the applicable performance standards. If the certification indicates that the existing or proposed facility, source, activity, or modification will not comply, the engineer shall include in the certification the engineer's findings as to the causes of the noncompliance.

(G) When a compliance review is conducted by an engineer certified under this section, the other activities in connection with the consideration, approval, and issuance of the permit, renewal of the permit, or plan approval, or modification thereof, shall be conducted by the director ~~or, when applicable, the hazardous waste facility board established in section 3734.05 of the Revised Code,~~ in accordance with the applicable provisions of Chapter 3704., 3734., 6109., or 6111. of the Revised Code and rules adopted under the applicable chapter.

(H) All expenses incurred by the attorney general in bringing a civil action under this section shall be reimbursed from the permit review fund in accordance with Chapter 109. of the Revised Code.

Sec. 3745.40. (A) There is hereby created the clean Ohio

operating fund consisting of moneys credited to the fund in 26806
accordance with this section. The fund shall be used to pay the 26807
costs incurred by the director of environmental protection 26808
pursuant to sections 122.65 to 122.658 of the Revised Code. 26809
Investment earnings of the fund shall be credited to the fund. ~~For~~ 26810
~~two years after the effective date of this section, investment~~ 26811
~~earnings credited to the fund~~ and may be used to pay 26812
administrative costs incurred by the director pursuant to those 26813
sections. 26814

(B) Notwithstanding section 3746.16 of the Revised Code, upon 26815
the request of the director of environmental protection, the 26816
director of development shall certify to the director of budget 26817
and management the amount of excess investment earnings that are 26818
available to be transferred from the clean Ohio revitalization 26819
fund created in section 122.658 of the Revised Code to the clean 26820
Ohio operating fund. Upon certification, the director of budget 26821
and management may transfer from the clean Ohio revitalization 26822
fund to the clean Ohio operating fund an amount not exceeding the 26823
amount of the annual appropriation to the clean Ohio operating 26824
fund. 26825

Sec. 3746.13. (A) For property that does not involve the 26826
issuance of a consolidated standards permit under section 3746.15 26827
of the Revised Code and where no engineering or institutional 26828
controls are used to comply with applicable standards, the 26829
director of environmental protection shall issue a covenant not to 26830
sue pursuant to section 3746.12 of the Revised Code by issuance of 26831
an order as a final action under Chapter 3745. of the Revised Code 26832
within thirty days after the director receives the no further 26833
action letter for the property and accompanying verification from 26834
the certified professional who prepared the letter under section 26835
3746.11 of the Revised Code. 26836

(B) For property that involves the issuance of a consolidated standards permit under section 3746.15 of the Revised Code or where engineering or institutional controls are used to comply with applicable standards, the director shall issue a covenant not to sue by issuance of an order as a final action under Chapter 3745. of the Revised Code within ninety days after the director receives the no further action letter for the property and accompanying verification from the certified professional who prepared the letter.

(C) Except as provided in division (D) of this section, each person who is issued a covenant not to sue under this section shall pay the fee established pursuant to rules adopted under division (B)(8) of section 3746.04 of the Revised Code. Until those rules become effective, each person who is issued a covenant not to sue shall pay a fee of two thousand dollars. The fee shall be paid to the director at the time that the no further action letter and accompanying verification are submitted to the director.

(D) An applicant, as defined in section 122.65 of the Revised Code, who has entered into an agreement under section 122.653 of the Revised Code and who is issued a covenant not to sue under this section shall not be required to pay the fee for the issuance of a covenant not to sue established in rules adopted under division (B)(8) of section 3746.04 of the Revised Code.

Sec. 3748.07. (A) Every facility that proposes to handle radioactive material or radiation-generating equipment for which licensure or registration, respectively, by its handler is required shall apply in writing to the director of health on forms prescribed and provided by the director for licensure or registration. Terms and conditions of licenses and certificates of registration may be amended in accordance with rules adopted under

section 3748.04 of the Revised Code or orders issued by the 26868
director pursuant to section 3748.05 of the Revised Code. 26869

(B) Until rules are adopted under section 3748.04 of the 26870
Revised Code, an application for a certificate of registration 26871
shall be accompanied by a biennial registration fee of ~~one~~ two 26872
hundred ~~sixty~~ dollars. On and after the effective date of those 26873
rules, an applicant for a license, registration certificate, or 26874
renewal of either shall pay the appropriate fee established in 26875
those rules. 26876

All fees collected under this section shall be deposited in 26877
the state treasury to the credit of the general operations fund 26878
created in section 3701.83 of the Revised Code. The fees shall be 26879
used solely to administer and enforce this chapter and rules 26880
adopted under it. 26881

Any fee required under this section that has not been paid 26882
within ninety days after the invoice date shall be assessed at two 26883
times the original invoiced fee. Any fee that has not been paid 26884
within one hundred eighty days after the invoice date shall be 26885
assessed at five times the original invoiced fee. 26886

(C) The director shall grant a license or registration to any 26887
applicant who has paid the required fee and is in compliance with 26888
this chapter and rules adopted under it. 26889

Until rules are adopted under section 3748.04 of the Revised 26890
Code, certificates of registration shall be effective for two 26891
years from the date of issuance. On and after the effective date 26892
of those rules, licenses and certificates of registration shall be 26893
effective for the applicable period established in those rules. 26894
Licenses and certificates of registration shall be renewed in 26895
accordance with the standard renewal procedure established in 26896
Chapter 4745. of the Revised Code. 26897

Sec. 3748.13. (A) The director of health shall inspect 26898
sources of radiation for which licensure or registration by the 26899
handler is required, and the sources' shielding and surroundings, 26900
according to the schedule established in rules adopted under 26901
division (D) of section 3748.04 of the Revised Code. In accordance 26902
with rules adopted under that section, the director shall inspect 26903
all records and operating procedures of handlers that install 26904
sources of radiation and all sources of radiation for which 26905
licensure of radioactive material or registration of 26906
radiation-generating equipment by the handler is required. The 26907
director may make other inspections upon receiving complaints or 26908
other evidence of violation of this chapter or rules adopted under 26909
it. 26910

The director shall require any hospital registered under 26911
division (A) of section 3701.07 of the Revised Code to develop and 26912
maintain a quality assurance program for all sources of 26913
radiation-generating equipment. A certified radiation expert shall 26914
conduct oversight and maintenance of the program and shall file a 26915
report of audits of the program with the director on forms 26916
prescribed by the director. The audit reports shall become part of 26917
the inspection record. 26918

(B) Until rules are adopted under division (A)(8) of section 26919
3748.04 of the Revised Code, a facility shall pay inspection fees 26920
according to the following schedule and categories: 26921

First dental x-ray tube	\$ 94.00 <u>118.00</u>	26922
Each additional dental x-ray tube at the same location	\$ 47.00 <u>59.00</u>	26923
First medical x-ray tube	\$187.00 <u>235.00</u>	26924
Each additional medical x-ray tube at the same location	\$ 94.00 <u>125.00</u>	26925
Each unit of ionizing	\$373.00 <u>466.00</u>	26926

radiation-generating equipment
 capable of operating at or above
 250 kilovoltage peak

First nonionizing \$~~187.00~~ 235.00 26927

radiation-generating equipment of
 any kind

Each additional nonionizing \$ ~~94.00~~ 125.00 26928

radiation-generating equipment of
 any kind at the same location

Assembler-maintainer inspection \$~~233.00~~ 291.00 26929

consisting of an inspection of
 records and operating procedures
 of handlers that install sources
 of radiation

Until rules are adopted under division (A)(8) of section 26930
 3748.04 of the Revised Code, the fee for an inspection to 26931
 determine whether violations cited in a previous inspection have 26932
 been corrected is fifty per cent of the fee applicable under the 26933
 schedule in this division. Until those rules are adopted, the fee 26934
 for the inspection of a facility that is not licensed or 26935
 registered and for which no license or registration application is 26936
 pending at the time of inspection is ~~two~~ three hundred ~~ninety~~ 26937
sixty-three dollars plus the fee applicable under the schedule in 26938
 this division. 26939

The director may conduct a review of shielding plans or the 26940
 adequacy of shielding on the request of a licensee or registrant 26941
 or an applicant for licensure or registration or during an 26942
 inspection when the director considers a review to be necessary. 26943
 Until rules are adopted under division (A)(8) of section 3748.04 26944
 of the Revised Code, the fee for the review is ~~four~~ five hundred 26945
~~sixty-six~~ eighty-three dollars for each room where a source of 26946
 radiation is used and is in addition to any other fee applicable 26947

under the schedule in this division. 26948

All fees shall be paid to the department of health no later 26949
than thirty days after the invoice for the fee is mailed. Fees 26950
shall be deposited in the general operations fund created in 26951
section 3701.83 of the Revised Code. The fees shall be used solely 26952
to administer and enforce this chapter and rules adopted under it. 26953

Any fee required under this section that has not been paid 26954
within ninety days after the invoice date shall be assessed at two 26955
times the original invoiced fee. Any fee that has not been paid 26956
within one hundred eighty days after the invoice date shall be 26957
assessed at five times the original invoiced fee. 26958

(C) If the director determines that a board of health of a 26959
city or general health district is qualified to conduct 26960
inspections of radiation-generating equipment, the director may 26961
delegate to the board, by contract, the authority to conduct such 26962
inspections. In making a determination of the qualifications of a 26963
board of health to conduct those inspections, the director shall 26964
evaluate the credentials of the individuals who are to conduct the 26965
inspections of radiation-generating equipment and the radiation 26966
detection and measuring equipment available to them for that 26967
purpose. If a contract is entered into, the board shall have the 26968
same authority to make inspections of radiation-generating 26969
equipment as the director has under this chapter and rules adopted 26970
under it. The contract shall stipulate that only individuals 26971
approved by the director as qualified shall be permitted to 26972
inspect radiation-generating equipment under the contract's 26973
provisions. The contract shall provide for such compensation for 26974
services as is agreed to by the director and the board of health 26975
of the contracting health district. The director may reevaluate 26976
the credentials of the inspection personnel and their radiation 26977
detecting and measuring equipment as often as the director 26978
considers necessary and may terminate any contract with the board 26979

of health of any health district that, in the director's opinion, 26980
is not satisfactorily performing the terms of the contract. 26981

(D) The director may enter at all reasonable times upon any 26982
public or private property to determine compliance with this 26983
chapter and rules adopted under it. 26984

Sec. 3770.07. (A)~~(1)~~ Lottery prize awards shall be claimed by 26985
the holder of the winning lottery ticket, or by the executor or 26986
administrator, or the trustee of a trust, of the estate of a 26987
deceased holder of a winning ticket, in a manner to be determined 26988
by the state lottery commission, within one hundred eighty days 26989
after the date on which such prize award was announced if the 26990
lottery game is an on-line game, and within one hundred eighty 26991
days after the close of the game if the lottery game is an instant 26992
game. ~~Except as otherwise provided in division (B) of this~~ 26993
~~section, if~~ If no valid claim to the prize award is made within 26994
the prescribed period, the prize money or the cost of goods and 26995
services awarded as prizes, or if such goods or services are 26996
resold by the commission, the proceeds from such sale, shall be 26997
returned to the state lottery fund and distributed in accordance 26998
with section 3770.06 of the Revised Code. 26999

~~(2)~~(B) If a prize winner, as defined in section 3770.10 of 27000
the Revised Code, is under eighteen years of age, or is under some 27001
other legal disability, and the prize money or the cost of goods 27002
or services awarded as a prize exceeds one thousand dollars, the 27003
director shall order that payment be made to the order of the 27004
legal guardian of that prize winner. If the amount of the prize 27005
money or the cost of goods or services awarded as a prize is one 27006
thousand dollars or less, the director may order that payment be 27007
made to the order of the adult member, if any, of that prize 27008
winner's family legally responsible for the care of that prize 27009
winner. 27010

~~(3)~~(C) No right of any prize winner, as defined in section 27011
3770.10 of the Revised Code, to a prize award shall be the subject 27012
of a security interest or used as collateral. 27013

~~(4)~~(a)(D)(1) No right of any prize winner, as defined in 27014
section 3770.10 of the Revised Code, to a prize award shall be 27015
assignable, or subject to garnishment, attachment, execution, 27016
withholding, or deduction, except as follows: as provided in 27017
sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the 27018
Revised Code; when the payment is to be made to the executor or 27019
administrator or the trustee of a trust of the estate of a winning 27020
ticket holder; when the award of a prize is disputed, any person 27021
may be awarded a prize award to which another has claimed title, 27022
pursuant to the order of a court of competent jurisdiction; when 27023
the director is to make a payment pursuant to ~~section~~ sections 27024
3770.071 or 3770.073 of the Revised Code; or as provided in 27025
sections 3770.10 to 3770.14 of the Revised Code. 27026

~~(b)~~(2) The commission shall adopt rules pursuant to section 27027
3770.03 of the Revised Code concerning the payment of prize awards 27028
upon the death of a prize winner. Upon the death of a prize 27029
winner, as defined in section 3770.10 of the Revised Code, the 27030
remainder of the prize winner's prize award, to the extent it is 27031
not subject to a transfer agreement under sections 3770.10 to 27032
3770.14 of the Revised Code, may be paid to the executor, 27033
administrator, or trustee in the form of a discounted lump sum 27034
cash settlement. 27035

~~(5)~~(E) No lottery prize award shall be awarded to or for any 27036
officer or employee of the state lottery commission, any officer 27037
or employee of the auditor of state actively coordinating and 27038
certifying commission drawings, or any blood relative or spouse of 27039
such officer or employee of the commission or auditor of state 27040
living as a member of such officer's or employee's household, nor 27041
shall any such employee, blood relative, or spouse attempt to 27042

claim a lottery prize award. 27043

~~(6)(F)~~ The director may prohibit vendors to the commission 27044
and their employees from being awarded a lottery prize award. 27045

~~(7)(G)~~ Upon the payment of prize awards pursuant to this 27046
section, the director and the commission are discharged from all 27047
further liability ~~therefor~~ for the awards. 27048

~~(B)~~ The commission may adopt rules governing the disbursement 27049
of unclaimed prize awards as all or part of the prize award in a 27050
lottery and may, pursuant to those rules, conduct the lottery and 27051
disburse any such unclaimed prize awards. Any lottery in which all 27052
or any part of the prize award is paid from unclaimed prize awards 27053
shall be conducted in accordance with all of the other 27054
requirements of this chapter, including, but not limited to, the 27055
time and proof requirements for claiming awards and the 27056
disposition of unclaimed prize awards when the prescribed period 27057
for claiming the award has passed. A prize award or any part of a 27058
prize award that is paid from an unclaimed prize award shall not 27059
be reapplied toward the satisfaction of the requirement of 27060
division (A) of section 3770.06 of the Revised Code that at least 27061
fifty per cent of the total revenues from ticket sales be 27062
disbursed for monetary prize awards, if such unclaimed prize award 27063
was previously applied toward the satisfaction of that 27064
requirement. On or before the last day of January and July each 27065
year, the commission shall report to the general assembly the 27066
gross sales and net profits the commission obtained from the 27067
unclaimed prize awards in lotteries conducted pursuant to this 27068
division during the preceding two calendar quarters, including the 27069
amount of money produced by the games funded by the unclaimed 27070
prize awards and the total revenue accruing to the state from the 27071
prize award lotteries conducted pursuant to this division. 27072

~~There is hereby established in the state treasury the 27073
unclaimed lottery prizes fund, to which all unclaimed prize awards 27074~~

~~shall be transferred. Any interest that accrues on the amounts in 27075
the fund shall become a part of the fund and shall be subject to 27076
any rules adopted by the commission governing the disbursement of 27077
unclaimed prize awards. 27078~~

Sec. 3770.073. (A) If a person is entitled to a lottery prize 27079
award and is indebted to the state for the payment of any tax, 27080
workers' compensation premium, unemployment contribution, payment 27081
in lieu of unemployment contribution, or charge, penalty, or 27082
interest arising from these debts and the amount of the prize 27083
money or the cost of goods or services awarded as a lottery prize 27084
award is one hundred dollars or more, the director of the state 27085
lottery commission, or the director's designee, shall do either of 27086
the following: 27087

(1) If the prize award will be paid in a lump sum, deduct 27088
from the prize award and pay to the attorney general an amount in 27089
satisfaction of the debt and pay any remainder to that person. If 27090
the amount of the prize award is less than the amount of the debt, 27091
the entire amount of the prize award shall be deducted and paid in 27092
partial satisfaction of the debt. 27093

(2) If the prize award will be paid in annual installments, 27094
on the date the initial installment payment is due, deduct from 27095
that installment and pay to the attorney general an amount in 27096
satisfaction of the debt and, if necessary to collect the full 27097
amount of the debt, do the same for any subsequent annual 27098
installments, at the time the installments become due and owing to 27099
the person, until the debt is fully satisfied. 27100

(B) If a person entitled to a lottery prize award owes more 27101
than one debt, any debt subject to section 5739.33 or division (G) 27102
of section 5747.07 of the Revised Code shall be satisfied first. 27103

(C) This section applies only to debts that have become 27104
final. 27105

Sec. 3770.10. As used in sections 3770.07 and 3770.10 to	27106
3770.14 of the Revised Code:	27107
(A) "Court of competent jurisdiction" means the probate court	27108
of the county in which the prize winner resides, or, if the prize	27109
winner is not a resident of this state, the probate court of	27110
Franklin county or a federal court having jurisdiction over the	27111
lottery prize award.	27112
(B) "Discounted present value" means the present value of the	27113
future payments of a lottery prize award that is determined by	27114
discounting those payments to the present, using the most recently	27115
published applicable federal rate for determining the present	27116
value of an annuity as issued by the United States internal	27117
revenue service and assuming daily compounding.	27118
(C) "Independent professional advice" means the advice of an	27119
attorney, a certified public accountant, an actuary, or any other	27120
licensed professional adviser if all of the following apply:	27121
(1) The prize winner has engaged the services of the licensed	27122
professional adviser to render advice concerning the legal and	27123
other implications of a transfer of the lottery prize award.	27124
(2) The licensed professional adviser is not affiliated in	27125
any manner with or compensated in any manner by the transferee of	27126
the lottery prize award.	27127
(3) The compensation of the licensed professional adviser is	27128
not affected by whether or not a transfer of a lottery prize award	27129
occurs.	27130
(D) "Prize winner" means any person that holds the right to	27131
receive all or any part of a lottery prize award as a result of	27132
being any of the following:	27133
(1) A person who is a claimant under division (A) (1) of	27134
section 3770.07 of the Revised Code;	27135

(2) A person who is entitled to a prize award and who is under a legal disability as described in division ~~(A)(2)(B)~~ of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a court order under division ~~(A)(4)(a)(D)(1)~~ of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division ~~(A)(4)(b)(D)(2)~~ of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of all or any part of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of all or any part of a lottery prize award from a transferor to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the transferor under penalties of perjury, that the transferor irrevocably agrees that the transferor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor will recognize in connection with the transfer. If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to

the withholding requirements imposed by division (C) of section 27167
3770.072 of the Revised Code and is subject to the tax imposed by 27168
Chapter 5733. or 5747. of the Revised Code with respect to gain or 27169
income which the transferee will recognize in connection with 27170
lottery prize awards to be received as a result of the transfer. 27171
If the transferee is a pass-through entity, as defined in section 27172
5733.04 of the Revised Code, each investor in the pass-through 27173
entity shall also sign under penalties of perjury a statement 27174
setting forth that the investor irrevocably agrees that the 27175
investor is subject to the withholding requirements imposed by 27176
division (C) of section 3770.072 of the Revised Code and is 27177
subject to the tax imposed by Chapter 5733. or 5747. of the 27178
Revised Code with respect to gain or income which the transferee 27179
and the investor will recognize in connection with lottery prize 27180
awards to be received as a result of the transfer. 27181

(G) "Transferee" means a party acquiring or proposing to 27182
acquire all or any part of a lottery prize award through a 27183
transfer. 27184

(H) "Transferor" means either a prize winner or a transferee 27185
in an earlier transfer whose interest is acquired by or is sought 27186
to be acquired by a transferee or a new transferee through a 27187
transfer. 27188

Sec. 3770.99. (A) Whoever is prohibited from claiming a 27189
lottery prize award under division ~~(A)(5)~~(E) of section 3770.07 of 27190
the Revised Code and attempts to claim or is paid a lottery prize 27191
award is guilty of a minor misdemeanor, and shall provide 27192
restitution to the state lottery commission of any moneys 27193
erroneously paid as a lottery prize award to that person. 27194

(B) Whoever violates division (C) of section 3770.071 or 27195
section 3770.08 of the Revised Code is guilty of a misdemeanor of 27196
the third degree. 27197

Sec. 3773.33. (A) There is hereby created the Ohio athletic 27198
commission. The commission shall consist of five voting members 27199
appointed by the governor with the advice and consent of the 27200
senate, not more than three of whom shall be of the same political 27201
party, and two nonvoting members, one of whom shall be a member of 27202
the senate appointed by and to serve at the pleasure of the 27203
president of the senate and one of whom shall be a member of the 27204
house of representatives appointed by and to serve at the pleasure 27205
of the speaker of the house of representatives. To be eligible for 27206
appointment as a voting member, a person shall be a qualified 27207
elector and a resident of the state for not less than five years 27208
immediately preceding the person's appointment. Two voting members 27209
shall be knowledgeable in boxing, at least one voting member shall 27210
be knowledgeable and experienced in high school athletics, one 27211
voting member shall be knowledgeable and experienced in 27212
professional athletics, and at least one voting member shall be 27213
knowledgeable and experienced in collegiate athletics. One 27214
commission member shall hold the degree of doctor of medicine or 27215
doctor of osteopathy. 27216

(B) No person shall be appointed to the commission or be an 27217
employee of the commission who is licensed, registered, or 27218
regulated by the commission. No member shall have any legal or 27219
beneficial interest, direct or indirect, pecuniary or otherwise, 27220
in any person who is licensed, registered, or regulated by the 27221
commission or who participates in prize fights or public boxing or 27222
wrestling matches or exhibitions. No member shall participate in 27223
any fight, match, or exhibition other than in the member's 27224
official capacity as a member of the commission, or as an 27225
inspector as authorized in section 3773.52 of the Revised Code. 27226

(C) The governor shall appoint the voting members to the 27227
commission. Of the initial appointments, two shall be for terms 27228

ending one year after September 3, 1996, two shall be for terms 27229
ending two years after September 3, 1996, and one shall be for a 27230
term ending three years after September 3, 1996. Thereafter, terms 27231
of office shall be for three years, each term ending the same day 27232
of the same month of the year as did the term which it succeeds. 27233
Each member shall hold office from the date of the member's 27234
appointment until the end of the term for which the member was 27235
appointed. Any member appointed to fill a vacancy occurring prior 27236
to the expiration of the term for which the member's predecessor 27237
was appointed shall hold office for the remainder of the term. Any 27238
member shall continue in office subsequent to the expiration date 27239
of the member's term until the member's successor takes office, or 27240
until a period of sixty days has elapsed, whichever occurs first. 27241

The governor shall name one voting member as chairperson of 27242
the commission at the time of making the appointment of any member 27243
for a full term. Three voting members shall constitute a quorum, 27244
and the affirmative vote of three voting members shall be 27245
necessary for any action taken by the commission. No vacancy on 27246
the commission impairs the authority of the remaining members to 27247
exercise all powers of the commission. 27248

Voting members, when engaged in commission duties, shall 27249
receive a per diem compensation determined in accordance with 27250
division (J) of section 124.15 of the Revised Code, and all 27251
members shall receive their actual and necessary expenses incurred 27252
in the performance of their official duties. 27253

Each voting member, before entering upon the discharge of the 27254
member's duties, shall file a surety bond payable to the treasurer 27255
of state in the sum of ten thousand dollars. Each surety bond 27256
shall be conditioned upon the faithful performance of the duties 27257
of the office, executed by a surety company authorized to transact 27258
business in this state, and filed in the office of the secretary 27259
of state. 27260

The governor may remove any voting member for malfeasance, 27261
misfeasance, or nonfeasance in office after giving the member a 27262
copy of the charges against the member and affording the member an 27263
opportunity for a public hearing, at which the member may be 27264
represented by counsel, upon not less than ten days' notice. If 27265
the member is removed, the governor shall file a complete 27266
statement of all charges made against the member and the 27267
governor's finding ~~thereon~~ on the charges in the office of the 27268
secretary of state, together with a complete report of the 27269
proceedings. The governor's decision shall be final. 27270

~~(D) The commission shall maintain an office in Youngstown and 27271
keep all of its permanent records there. 27272~~

Sec. 3773.43. The Ohio athletic commission shall charge the 27273
following fees: 27274

(A) For an application for or renewal of a promoter's license 27275
for public boxing matches or exhibitions, ~~fifty~~ one hundred 27276
dollars. 27277

(B) For an application for or renewal of a license to 27278
participate in a public boxing match or exhibition as a 27279
contestant, or as a referee, judge, matchmaker, manager, 27280
timekeeper, trainer, or second of a contestant, ~~ten~~ twenty 27281
dollars. 27282

(C) For a permit to conduct a public boxing match or 27283
exhibition, ~~ten~~ fifty dollars. 27284

(D) For an application for or renewal of a promoter's license 27285
for professional wrestling matches or exhibitions, ~~one~~ two hundred 27286
dollars. 27287

(E) For a permit to conduct a professional wrestling match or 27288
exhibition, ~~fifty~~ one hundred dollars. 27289

The commission, subject to the approval of the controlling 27290

board, may establish fees in excess of the amounts provided in 27291
this section, provided that such fees do not exceed the amounts 27292
permitted by this section by more than ~~twenty-five~~ fifty per cent. 27293

The fees prescribed by this section shall be paid to the 27294
treasurer of state, who shall deposit the fees in the occupational 27295
licensing and regulatory fund. 27296

Sec. 3781.19. There is hereby established in the department 27297
of commerce a board of building appeals consisting of five members 27298
who shall be appointed by the governor with the advice and consent 27299
of the senate. Terms of office shall be for four years, commencing 27300
on the fourteenth day of October and ending on the thirteenth day 27301
of October. Each member shall hold office from the date of ~~his~~ 27302
appointment until the end of the term for which ~~he~~ the member was 27303
appointed. Any member appointed to fill a vacancy occurring prior 27304
to the expiration of the term for which ~~his~~ the member's 27305
predecessor was appointed shall hold office for the remainder of 27306
such term. Any member shall continue in office subsequent to the 27307
expiration date of ~~his~~ the member's term until ~~his~~ a successor 27308
takes office, or until a period of sixty days has elapsed, 27309
whichever occurs first. One member shall be an attorney-at-law, 27310
admitted to the bar of this state and of the remaining members, 27311
one shall be a registered architect and one shall be a 27312
professional engineer, each of whom shall be duly licensed to 27313
practice their respective professions in this state, one shall be 27314
a fire prevention officer qualified under section 3737.66 of the 27315
Revised Code, and one shall be a person with recognized ability in 27316
the plumbing or pipefitting profession. No member of the board of 27317
building standards shall be a member of the board of building 27318
appeals. Each member shall be paid an amount fixed pursuant to 27319
Chapter 124. of the Revised Code per diem. The department shall 27320
provide and assign to the board such employees as are required by 27321
the board to perform its functions. The board may adopt its own 27322

rules of procedure not inconsistent with sections 3781.06 to 27323
3781.18 and 3791.04 of the Revised Code, and may change them in 27324
its discretion. The board may establish reasonable fees, based on 27325
actual costs for administration of filing and processing, not to 27326
exceed ~~one~~ two hundred dollars, for the costs of filing and 27327
processing appeals. A full and complete record of all proceedings 27328
of the board shall be kept and be open to public inspection. 27329

In the enforcement by any department of the state or any 27330
political subdivision of this chapter and Chapter 3791., and 27331
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 27332
4105.011, and 4105.11 of the Revised Code and any rule made 27333
thereunder, such department is the agency referred to in sections 27334
119.07, 119.08, and 119.10 of the Revised Code. 27335

The appropriate municipal or county board of appeals, where 27336
one exists, certified pursuant to section 3781.20 of the Revised 27337
Code shall conduct the adjudication hearing referred to in 27338
sections 119.09 to 119.13 and required by section 3781.031 of the 27339
Revised Code. If there is no certified municipal or county board 27340
of appeals, the board of building appeals shall conduct the 27341
adjudication hearing. If the adjudication hearing concerns section 27342
3781.111 of the Revised Code or any rule made thereunder, 27343
reasonable notice of the time, date, place, and subject of the 27344
hearing shall be given to any local corporation, association, or 27345
other organization composed of or representing handicapped 27346
persons, as defined in section 3781.111 of the Revised Code, or if 27347
there is no local organization, then to any statewide corporation, 27348
association, or other organization composed of or representing 27349
handicapped persons. 27350

In addition to the provisions of Chapter 119. of the Revised 27351
Code, the municipal, county, or state board of building appeals, 27352
as the agency conducting the adjudication hearing, may reverse or 27353
modify the order of the enforcing agency if it finds that the 27354

order is contrary to this chapter and Chapters 3791. and 4104., 27355
and sections 3737.41, 3737.42, 4105.011 and 4105.11 of the Revised 27356
Code and any rule made thereunder or to a fair interpretation or 27357
application of such laws or any rule made thereunder, or that a 27358
variance from the provisions of such laws or any rule made 27359
thereunder, in the specific case, will not be contrary to the 27360
public interest where a literal enforcement of such provisions 27361
will result in unnecessary hardship. 27362

The state board of building appeals or a certified municipal 27363
or county board of appeals shall render its decision within thirty 27364
days after the date of the adjudication hearing. Following the 27365
adjudication hearing, any municipal or county officer, official 27366
municipal or county board, or person who was a party to the 27367
hearing before the municipal or county board of appeals may apply 27368
to the state board of appeals for a de novo hearing before the 27369
state board, or may appeal directly to the court of common pleas 27370
pursuant to section 3781.031 of the Revised Code. 27371

In addition, any local corporation, association, or other 27372
organization composed of or representing handicapped persons as 27373
defined in section 3781.111 of the Revised Code, or, if no local 27374
corporation, association, or organization exists, then any 27375
statewide corporation, association, or other organization composed 27376
of or representing handicapped persons may apply for the de novo 27377
hearing or appeal to the court of common pleas from any decision 27378
of a certified municipal or county board of appeals interpreting, 27379
applying, or granting a variance from section 3781.111 of the 27380
Revised Code and any rule made thereunder. Application for a de 27381
novo hearing before the state board shall be made no later than 27382
thirty days after the municipal or county board renders its 27383
decision. 27384

The state board of building appeals or the appropriate 27385
certified local board of building appeals shall grant variances 27386

and exemptions from the requirements of section 3781.108 of the Revised Code in accordance with rules adopted by the board of building standards pursuant to division (J) of section 3781.10 of the Revised Code.

The state board of building appeals or the appropriate certified local board of building appeals shall, in granting a variance or exemption from section 3781.108 of the Revised Code, in addition to any other considerations the state or the appropriate local board determines appropriate, consider the architectural and historical significance of the building.

Sec. 3793.09. (A) There is hereby created the council on alcohol and drug addiction services which shall consist of the public officials specified in division (B) of this section, or their designees, and thirteen members appointed by the governor with the advice and consent of the senate. The members appointed by the governor shall be representatives of the following: boards of alcohol, drug addiction, and mental health services; the criminal and juvenile justice systems; and alcohol and drug addiction programs. At least four of the appointed members shall be persons who have received or are receiving alcohol or drug addiction services or are parents or other relatives of such persons; of these at least two shall be women and at least one shall be a member of a minority group.

The governor shall make initial appointments to the council not later than thirty days after October 10, 1989. Of the initial appointments, six shall be for terms ending July 31, 1991, and seven shall be for terms ending July 31, 1992. Thereafter, terms of office shall be two years, with each term ending on the same day of the same month as the term 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. Members may be

reappointed. Vacancies shall be filled in the same manner as 27418
original appointments. Any member appointed to fill a vacancy 27419
occurring prior to the expiration of the term for which the 27420
member's predecessor was appointed shall hold office as a member 27421
for the remainder of the term. A member shall continue in office 27422
subsequent to the expiration of the member's term until the 27423
member's successor takes office or until a period of sixty days 27424
has elapsed, whichever occurs first. 27425

(B) The directors of health, public safety, mental health, 27426
rehabilitation and correction, and youth services; the 27427
superintendents of public instruction and liquor control; the 27428
attorney general; the adjutant general; and the ~~director~~ 27429
superintendent of the ~~office~~ bureau of criminal justice services 27430
shall be voting members of the council, except that any of these 27431
officials may designate an individual to serve in the official's 27432
place as a voting member of the council. The director of alcohol 27433
and drug addiction services shall serve as a nonvoting member of 27434
the council. 27435

(C) The governor shall annually appoint a ~~chairman~~ 27436
chairperson from among the members of the council. The council 27437
shall meet quarterly and at other times the ~~chairman~~ chairperson 27438
considers necessary. In addition to other duties specified in this 27439
chapter, the council shall review the development of the 27440
comprehensive statewide plan for alcohol and drug addiction 27441
services, revisions of the plan, and other actions taken to 27442
implement the purposes of this chapter by the department of 27443
alcohol and drug addiction services and shall act as an advisory 27444
council to the director of alcohol and drug addiction services. 27445

(D) Members of the council shall serve without compensation, 27446
but shall be paid actual and necessary expenses incurred in the 27447
performance of their duties. 27448

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and 27449
section 4104.99 of the Revised Code: 27450

(A) "Board of building standards" or "board" means the board 27451
established by section 3781.07 of the Revised Code. 27452

(B) "Superintendent" means the superintendent of the division 27453
of industrial compliance created by section 121.04 of the Revised 27454
Code. 27455

(C) "Boiler" means a closed vessel in which water is heated, 27456
steam is generated, steam is superheated, or any combination 27457
thereof, under pressure or vacuum for use externally to itself by 27458
the direct application of heat from the combustion of fuels, or 27459
from electricity or nuclear energy. "Boiler" includes fired units 27460
for heating or vaporizing liquids other than water where these 27461
units are separate from processing systems and are complete within 27462
themselves. 27463

(D) "Power boiler" means a boiler in which steam or other 27464
vapor (to be used externally to itself) is generated at a pressure 27465
of more than fifteen psig. 27466

(E) "High pressure, high temperature water boiler" means a 27467
water heating boiler operating at pressures exceeding one hundred 27468
sixty psig or temperatures exceeding two hundred fifty degrees 27469
Fahrenheit. 27470

(F) "Low pressure boiler" means a steam boiler operating at 27471
pressures not exceeding fifteen psig, or a hot water heating 27472
boiler operating at pressures not exceeding one hundred sixty psig 27473
or temperatures not exceeding two hundred fifty degrees 27474
Fahrenheit. 27475

(G) "~~Unfired pressure~~ Pressure vessel" means a container for 27476
the containment of pressure, either internal or external. This 27477
pressure may be obtained from an external source or by the 27478

application of heat from a direct or indirect source or any combination thereof. 27479
27480

(H) "Process boiler" means a boiler to which all of the following apply: 27481
27482

(1) The steam in the boiler is either generated or superheated, or both, under pressure or vacuum for use external to itself. 27483
27484
27485

(2) The source of heat for the boiler is in part or in whole from a process other than the boiler itself. 27486
27487

(3) The boiler is part of a continuous processing unit, such as used in chemical manufacture or petroleum refining, other than a steam-generated process unit. 27488
27489
27490

(I) "Stationary steam engine" means an engine or turbine in which the mechanical force arising from the elasticity and expansion action of steam or from its property of rapid condensation or from a combination of the two is made available as a motive power. 27491
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Sec. 4104.02. The board of building standards shall: 27496

(A) Formulate rules for the construction, installation, ~~inspection~~, repair, conservation of energy, and operation of boilers and the construction, ~~inspection~~, and repair of ~~unfired~~ pressure vessels and for ascertaining the safe working pressures to be carried on such boilers and ~~unfired~~ pressure vessels and the qualification of inspectors of boilers and ~~unfired~~ pressure vessels; 27497
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(B) Prescribe tests, if it is considered necessary, to ascertain the qualities of materials used in the construction of boilers and ~~unfired~~ pressure vessels; 27504
27505
27506

(C) Adopt rules regulating the construction and sizes of safety valves for boilers and ~~unfired~~ pressure vessels of 27507
27508

different sizes and pressures, for the construction, use, and 27509
location of fusible plugs, appliances for indicating the pressure 27510
of steam and level of water in the boiler or ~~unfired~~ pressure 27511
vessels, and such other appliances as the board considers 27512
necessary to safety in operating boilers; 27513

(D) Establish reasonable fees for the performance of reviews, 27514
surveys, or audits of manufacturer's facilities by the division of 27515
industrial compliance for certification by the American society of 27516
mechanical engineers and the national board of boiler and pressure 27517
vessel inspectors; 27518

(E) The definitions and rules adopted by the board for the 27519
construction, installation, ~~inspection~~, repair, conservation of 27520
energy, and operation of boilers and the construction, ~~inspection~~, 27521
and repair of ~~unfired~~ pressure vessels and for ascertaining the 27522
safe working pressures to be used on such boilers and ~~unfired~~ 27523
pressure vessels shall be based upon and follow generally accepted 27524
engineering standards, formulae, and practices established and 27525
pertaining to boilers and ~~unfired~~ pressure vessel construction, 27526
operation, and safety, and the board may, for this purpose, adopt 27527
existing published standards as well as amendments thereto 27528
subsequently published by the same authority. 27529

When a person desires to manufacture a special type of boiler 27530
or ~~unfired~~ pressure vessel, the design of which is not covered by 27531
the rules of the board, the person shall submit drawings and 27532
specifications of such boiler or ~~unfired~~ pressure vessel to the 27533
board for investigation, after which the board may permit its 27534
installation. 27535

The provisions of sections 119.03 and 119.11 of the Revised 27536
Code in particular, and the applicable provisions of Chapter 119. 27537
of the Revised Code in general, shall govern the proceedings of 27538
the board of building standards in adopting, amending, or 27539
rescinding rules pursuant to this section. 27540

Sec. 4104.04. (A) Sections 4104.01 to 4104.20 and section	27541
4104.99 of the Revised Code do not apply to the following boilers	27542
and unfired pressure vessels:	27543
(1) Boilers, unfired pressure vessels, and stationary steam	27544
engines under federal control or subject to inspection under	27545
federal laws;	27546
(2) Air tanks located on vehicles operating under the rules	27547
of other state authorities and used for carrying passengers, or	27548
freight;	27549
(3) Air tanks installed on the right of way of railroads and	27550
used directly in the operation of trains;	27551
(4) Unfired pressure <u>Pressure</u> vessels which that are under	27552
the regulation and control of the state fire marshal under Chapter	27553
3737. of the Revised Code.	27554
(B) The following boilers and unfired pressure vessels are	27555
exempt from the requirements of sections 4104.10, 4104.101,	27556
4104.11, 4104.12, and 4104.13 of the Revised Code, but shall be	27557
equipped with such appliances, to insure safety of operation, as	27558
are prescribed by the board:	27559
(1) Portable boilers or unfired pressure vessels when located	27560
on farms and used solely for agricultural purposes;	27561
(2) Steam or vapor boilers carrying a pressure of not more	27562
than fifteen psig, which are located in private residences or in	27563
apartment houses of less than six family units;	27564
(3) Hot water boilers operated at pressures not exceeding one	27565
hundred sixty psig, or temperatures not exceeding two hundred	27566
fifty degrees fahrenheit, which are located in private residences	27567
or in apartment houses of less than six family units;	27568
(4) Unfired pressure <u>Pressure</u> vessels containing only water	27569

under pressure for domestic supply purposes, including those 27570
containing air, the compression of which serves only as a cushion 27571
or airlift pumping system, when located in private residences or 27572
in apartment houses of less than six family units; 27573

(5) Portable boilers used in pumping, heating, steaming, and 27574
drilling, in the open field, for water, gas, and oil; 27575

(6) Portable boilers used in the construction of and repair 27576
to public roads, railroads, and bridges; 27577

(7) Historical steam boilers of riveted construction, 27578
preserved, restored, or maintained for hobby or demonstration use. 27579

Sec. 4104.06. (A) The inspection of boilers and their 27580
appurtenances and ~~unfired~~ pressure vessels shall be made by the 27581
inspectors mentioned in sections 4104.07 to 4104.20 of the Revised 27582
Code. The superintendent of industrial compliance shall administer 27583
and enforce such sections and rules adopted by the board of 27584
building standards pursuant to section 4104.02 of the Revised 27585
Code. 27586

(B) The superintendent shall adopt, amend, and repeal rules 27587
exclusively for the issuance, renewal, suspension, and revocation 27588
of certificates of competency and certificates of operation, for 27589
conducting hearings in accordance with Chapter 119. of the Revised 27590
Code related to these actions, and for the inspection of boilers 27591
and their appurtenances, and ~~unfired~~ pressure vessels. 27592

(C) Notwithstanding division (B) of this section, the 27593
superintendent shall not adopt rules relating to construction, 27594
maintenance, or repair of boilers and their appurtenances, or 27595
repair of ~~unfired~~ pressure vessels. 27596

(D) The superintendent and each general inspector may enter 27597
any premises and any building or room at all reasonable hours to 27598
perform an examination or inspection. 27599

Sec. 4104.07. (A) An application for examination as an 27600
inspector of boilers and ~~unfired~~ pressure vessels shall be in 27601
writing, accompanied by a fee of fifty dollars, upon a blank to be 27602
furnished by the superintendent of industrial compliance. Any 27603
moneys collected under this section shall be paid into the state 27604
treasury to the credit of the industrial compliance operating fund 27605
created in section 121.084 of the Revised Code. 27606

(B) The superintendent shall determine if an applicant meets 27607
all the requirements for examination in accordance with rules 27608
adopted by the board of building standards under section 4104.02 27609
of the Revised Code. An application shall be rejected which 27610
contains any willful falsification, or untruthful statements. 27611

(C) An applicant shall be examined by the superintendent, by 27612
a written examination, prescribed by the board, dealing with the 27613
construction, installation, operation, maintenance, and repair of 27614
boilers and ~~unfired~~ pressure vessels and their appurtenances, and 27615
the applicant shall be accepted or rejected on the merits of the 27616
applicant's application and examination. 27617

(D) Upon a favorable report by the superintendent of the 27618
result of an examination, the superintendent shall immediately 27619
issue to the successful applicant a certificate of competency to 27620
that effect. 27621

Sec. 4104.08. (A) The director of commerce may appoint from 27622
the holders of certificates of competency provided for in section 27623
4104.07 of the Revised Code, general inspectors of boilers and 27624
~~unfired~~ pressure vessels. 27625

(B) Any company authorized to insure boilers and ~~unfired~~ 27626
pressure vessels against explosion in this state may designate 27627
from holders of certificates of competency issued by the 27628
superintendent of industrial compliance, or holders of 27629

certificates of competency or commissions issued by other states 27630
or nations whose examinations for certificates or commissions have 27631
been approved by the board of building standards, persons to 27632
inspect and stamp boilers and ~~unfired~~ pressure vessels covered by 27633
the company's policies, and the superintendent shall issue to such 27634
persons commissions authorizing them to act as special inspectors. 27635
Special inspectors shall be compensated by the company designating 27636
them. 27637

(C) The director of commerce shall establish an annual fee to 27638
be charged by the superintendent for each certificate of 27639
competency or commission the superintendent issues. 27640

(D) The superintendent shall issue to each general or special 27641
inspector a commission to the effect that the holder thereof is 27642
authorized to inspect boilers and ~~unfired~~ pressure vessels in this 27643
state. 27644

(E) No person shall be authorized to act as a general 27645
inspector or a special inspector who is directly or indirectly 27646
interested in the manufacture or sale of boilers or ~~unfired~~ 27647
pressure vessels. 27648

Sec. 4104.15. (A) All certificates of inspection for boilers, 27649
issued prior to October 15, 1965, are valid and effective for the 27650
period set forth in such certificates unless sooner withdrawn by 27651
the superintendent of industrial compliance. The owner or user of 27652
any such boiler shall obtain an appropriate certificate of 27653
operation for such boiler, and shall not operate such boiler, or 27654
permit it to be operated unless a certificate of operation has 27655
been obtained in accordance with section 4104.17 of the Revised 27656
Code. 27657

(B) If, upon making the internal and external inspection 27658
required under sections 4104.11, 4104.12, and 4104.13 of the 27659
Revised Code, the inspector finds the boiler to be in safe working 27660

order, with the fittings necessary to safety, and properly set up, 27661
upon the inspector's report to the superintendent, the 27662
superintendent shall issue to the owner or user thereof, or renew, 27663
upon application and upon compliance with sections 4104.17 and 27664
4104.18 of the Revised Code, a certificate of operation which 27665
shall state the maximum pressure at which the boiler may be 27666
operated, as ascertained by the rules of the board of building 27667
standards. Such certificates shall also state the name of the 27668
owner or user, the location, size, and number of each boiler, and 27669
the date of issuance, and shall be so placed as to be easily read 27670
in the engine room or boiler room of the plant where the boiler is 27671
located, except that the certificate of operation for a portable 27672
boiler shall be kept on the premises and shall be accessible at 27673
all times. 27674

(C) If an inspector at any inspection finds that the boiler 27675
or ~~unfired~~ pressure vessel is not in safe working condition, or is 27676
not provided with the fittings necessary to safety, or if the 27677
fittings are improperly arranged, the inspector shall immediately 27678
notify the owner or user and person in charge of the boiler and 27679
shall report the same to the superintendent who may revoke, 27680
suspend, or deny the certificate of operation and not renew the 27681
same until the boiler or ~~unfired~~ pressure vessel and its fittings 27682
are put in condition to insure safety of operation, and the owner 27683
or user shall not operate the boiler or ~~unfired~~ pressure vessel, 27684
or permit it to be operated until such certificate has been 27685
granted or restored. 27686

(D) If the superintendent or a general boiler inspector finds 27687
that ~~an unfired~~ a pressure vessel or boiler or a part thereof 27688
poses an explosion hazard that reasonably can be regarded as 27689
posing an imminent danger of death or serious physical harm to 27690
persons, the superintendent or the general boiler inspector shall 27691
seal the ~~unfired~~ pressure vessel or boiler and order, in writing, 27692

the operator or owner of the ~~unfired~~ pressure vessel or boiler to 27693
immediately cease the ~~unfired~~ pressure vessel's or boiler's 27694
operation. The order shall be effective until the nonconformities 27695
are eliminated, corrected, or otherwise remedied, or for a period 27696
of seventy-two hours from the time of issuance, whichever occurs 27697
first. During the seventy-two-hour period, the superintendent may 27698
request that the prosecuting attorney or city attorney of Franklin 27699
county or of the county in which the ~~unfired~~ pressure vessel or 27700
boiler is located obtain an injunction restraining the operator or 27701
owner of the ~~unfired~~ pressure vessel or boiler from continuing its 27702
operation after the seventy-two-hour period expires until the 27703
nonconformities are eliminated, corrected, or otherwise remedied. 27704

(E) Each boiler which has been inspected shall be assigned a 27705
number by the superintendent, which number shall be stamped on a 27706
nonferrous metal tag affixed to the boiler or its fittings by seal 27707
or otherwise. No person except an inspector shall deface or remove 27708
any such number or tag. 27709

(F) If the owner or user of any ~~unfired~~ pressure vessel or 27710
boiler disagrees with the inspector as to the necessity for 27711
shutting down ~~an unfired~~ a pressure vessel or boiler or for making 27712
repairs or alterations in it, or taking any other measures for 27713
safety that are requested by an inspector, the owner or user may 27714
appeal from the decision of the inspector to the superintendent, 27715
who may, after such other inspection by a general inspector or 27716
special inspector as the superintendent deems necessary, decide 27717
the issue. 27718

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 27719
nor an inspection or report by any inspector, shall relieve the 27720
owner or user of ~~an unfired~~ a pressure vessel or boiler of the 27721
duty of using due care in the inspection, operation, and repair of 27722
the ~~unfired~~ pressure vessel or boiler or of any liability for 27723
damages for failure to inspect, repair, or operate the ~~unfired~~ 27724

pressure vessel or boiler safely. 27725

Sec. 4104.18. (A) The owner or user of a boiler required 27726
under section 4104.12 of the Revised Code to be inspected upon 27727
installation, and the owner or user of a boiler for which a 27728
certificate of inspection has been issued which is replaced with 27729
an appropriate certificate of operation, shall pay to the 27730
superintendent of industrial compliance a fee in the amount of 27731
~~thirty~~ forty-five dollars for boilers subject to annual 27732
inspections under section 4104.11 of the Revised Code, ~~sixty~~ 27733
ninety dollars for boilers subject to biennial inspection under 27734
section 4104.13 of the Revised Code, ~~ninety one hundred~~ 27735
thirty-five dollars for boilers subject to triennial inspection 27736
under section 4104.11 of the Revised Code, or ~~one two~~ hundred 27737
~~fifty~~ twenty-five dollars for boilers subject to quinquennial 27738
inspection under section 4104.13 of the Revised Code. 27739

A renewal fee in the amount of ~~thirty~~ forty-five dollars 27740
shall be paid to the treasurer of state before the renewal of any 27741
certificate of operation. 27742

(B) The fee for complete inspection during construction by a 27743
general inspector on boilers and ~~unfired~~ pressure vessels 27744
manufactured within the state shall be thirty-five dollars per 27745
hour. Boiler and ~~unfired~~ pressure vessel manufacturers other than 27746
those located in the state may secure inspection by a general 27747
inspector on work during construction, upon application to the 27748
superintendent, and upon payment of a fee of thirty-five dollars 27749
per hour, plus the necessary traveling and hotel expenses incurred 27750
by the inspector. 27751

(C) The application fee for applicants for steam engineer, 27752
high pressure boiler operator, or low pressure boiler operator 27753
licenses is fifty dollars. The fee for each original or renewal 27754
steam engineer, high pressure boiler operator, or low pressure 27755

boiler operator license is thirty-five dollars. 27756

(D) The director of commerce, subject to the approval of the 27757
controlling board, may establish fees in excess of the fees 27758
provided in divisions (A), (B), and (C) of this section, ~~provided~~ 27759
~~that such fees do not exceed the amounts established in this~~ 27760
~~section by more than fifty per cent.~~ Any moneys collected under 27761
this section shall be paid into the state treasury to the credit 27762
of the industrial compliance operating fund created in section 27763
121.084 of the Revised Code. 27764

(E) Any person who fails to pay an invoiced renewal fee or an 27765
invoiced inspection fee required for any inspection conducted by 27766
the division of industrial compliance pursuant to this chapter 27767
within forty-five days of the invoice date shall pay a late 27768
payment fee equal to twenty-five per cent of the invoiced fee. 27769

(F) In addition to the fees assessed in divisions (A) and (B) 27770
of this section, the board of building standards shall assess the 27771
owner or user a fee of three dollars and twenty-five cents for 27772
each certificate of operation or renewal thereof issued under 27773
division (A) of this section and for each inspection conducted 27774
under division (B) of this section. The board shall adopt rules, 27775
in accordance with Chapter 119. of the Revised Code, specifying 27776
the manner by which the superintendent shall collect and remit to 27777
the board the fees assessed under this division and requiring that 27778
remittance of the fees be made at least quarterly. 27779

Sec. 4104.19. (A) Any person seeking a license to operate as 27780
a steam engineer, high pressure boiler operator, or low pressure 27781
boiler operator shall file a written application with the 27782
superintendent of industrial compliance on a form prescribed by 27783
the superintendent with the appropriate application fee as set 27784
forth in section 4104.18 of the Revised Code. The application 27785
shall contain information satisfactory to the superintendent to 27786

demonstrate that the applicant meets the requirements of division 27787
(B) of this section. The application shall be filed with the 27788
superintendent not more than sixty days and not less than thirty 27789
days before the license examination is offered. 27790

(B) To qualify to take the examination required to obtain a 27791
steam engineer, high pressure boiler operator, or low pressure 27792
boiler operator license, a person shall meet both of the following 27793
requirements: 27794

(1) Be at least eighteen years of age; 27795

(2) Have one year of experience in the operation of steam 27796
engines, high pressure boilers, or low pressure boilers as 27797
applicable to the type of license being sought, or a combination 27798
of experience and education for the type of license sought as 27799
determined to be acceptable by the superintendent. 27800

(C) No applicant shall qualify to take an examination or to 27801
renew a license if the applicant has violated this chapter or if 27802
the applicant has obtained or renewed a license issued under this 27803
chapter by fraud, misrepresentation, or deception. 27804

(D) The superintendent shall issue a license to each 27805
applicant who receives a passing score on the examination, as 27806
determined by the superintendent, for the license for which the 27807
applicant applied. 27808

(E) The superintendent ~~shall~~ may select and contract with one 27809
or more persons to do all of the following relative to the 27810
examinations for a license to operate as a steam engineer, high 27811
pressure boiler operator, or low pressure boiler operator: 27812

(1) Prepare, administer, score, and maintain the 27813
confidentiality of the examination; 27814

(2) Maintain responsibility for all expenses required to 27815
fulfill division (E)(1) of this section; 27816

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent; 27817
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(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure. 27819
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(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. 27822
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Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal. 27828
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(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. 27830
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Sec. 4104.20. No owner or operator of any boiler shall operate the same in violation of sections 4104.11 to 4104.16, inclusive, and 4104.18 of the Revised Code, or of any rule or regulation adopted by the board of building standards, pursuant to section 4104.02 of the Revised Code, or without having a boiler inspected and a certificate of operation issued therefor as provided in such sections or hinder or prevent a general or special inspector of boilers from entering any premises in or on which a boiler is situated for the purpose of inspection. No owner or operator of any ~~unfired~~ pressure vessel shall operate the same in violation of section 4104.10 of the Revised Code, or of any rule or regulation adopted by the board of building standards, pursuant to section 4104.02 of the Revised Code. 27835
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Sec. 4104.41. ~~(A)~~ As used in sections 4104.41 to ~~4104.45~~ 27848
4104.48 of the Revised Code: 27849

~~(1)~~(A) "Liquefied petroleum gas" means any material which is 27850
composed predominantly of any of the following hydrocarbons, or 27851
mixtures of the same: propane, propylene, normal butane, or 27852
isobutane or butylenes. 27853

~~(2)~~(B) "Other gaseous piping systems" excludes natural gas 27854
piping gas systems. 27855

~~(B)~~ ~~The director of commerce shall appoint general inspectors~~ 27856
~~of power, refrigerating, hydraulic, heating, and liquefied~~ 27857
~~petroleum gas piping systems. Such inspectors shall be appointed~~ 27858
~~from holders of certificates of competency provided for in section~~ 27859
~~4104.42 of the Revised Code.~~ 27860

~~Salaries shall be appropriated in the same manner as the~~ 27861
~~salaries of other employees of state departments, and expenses of~~ 27862
~~such general inspectors shall be provided for in the same manner~~ 27863
~~as the expenses of other employees of state departments.~~ 27864

Sec. 4104.42. (A) Each manufacturer, contractor, owner, or 27865
user of power, refrigerating, hydraulic, heating and liquefied 27866
petroleum gas, oxygen, or other gaseous piping systems shall 27867
conduct tests required under rules adopted by the board of 27868
building standards under division (A)(1) of section 4104.44 of the 27869
Revised Code and certify in writing on forms provided under 27870
section 4104.43 of the Revised Code by the superintendent of 27871
industrial compliance in the department of commerce that the 27872
welding and brazing procedures used in the construction of those 27873
power, refrigerating, hydraulic, heating and liquefied petroleum 27874
gas, oxygen, or other gaseous piping systems meet the standards 27875
established by the board under division (A)(1) of section 4104.44 27876
of the Revised Code. 27877

(B) Each manufacturer, contractor, owner, or user of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems who causes welding or brazing to be performed in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall maintain at least one copy of the forms described in division (A) of this section and make that copy accessible to any individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code. 27878
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(C) An individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code shall examine the forms described in division (A) of this section to determine compliance with the rules adopted by the board of building standards under division (A)(1) of section 4104.44 of the Revised Code. 27888
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(D) An individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code with reason to question the certification or ability of any welder or brazer shall report the concerns to the superintendent of the division of industrial compliance in the department of commerce. The superintendent shall investigate those concerns. If the superintendent finds facts that substantiate the concerns of the individual certified by the board of building standards pursuant to division (E) of section 3781.10 of the Revised Code, the superintendent may require the welder or brazer in question to become recertified by a private vendor in the same manner by which five-year recertification is required under section 4104.46 of the Revised Code. The superintendent also may utilize the services of an independent testing laboratory to witness the welding or brazing performed on the project in question and to conduct tests on coupons to determine whether the 27894
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coupons meet the requirements of the rules adopted by the board of 27910
building standards under division (A)(1) of section 4104.44 of the 27911
Revised Code. 27912

Sec. 4104.43. (A) Each manufacturer, contractor, owner, or 27913
user of power, refrigerating, hydraulic, heating and liquefied 27914
petroleum gas, oxygen, or other gaseous piping systems who causes 27915
welding or brazing to be performed in the construction of a power, 27916
refrigerating, hydraulic, heating and liquefied petroleum gas, 27917
oxygen, or other gaseous piping system shall file with the 27918
superintendent of the division of industrial compliance two 27919
complete copies of forms provided by the superintendent that 27920
identify the welding and brazing procedure specifications and 27921
welder and brazer performance qualifications performed in the 27922
construction of that power, refrigerating, hydraulic, heating and 27923
liquefied petroleum gas, oxygen, or other gaseous piping system. 27924

(B)(1) Upon receipt of the forms filed under division (A) of 27925
this section, the superintendent shall review the welding and 27926
brazing procedure specifications and welder and brazer performance 27927
qualifications as indicated on the forms to determine compliance 27928
with rules adopted by the board of building standards under 27929
division (A)(1) of section 4104.44 of the Revised Code. 27930

(2) If the superintendent finds that the welding and brazing 27931
procedure specifications and welder and brazer performance 27932
qualifications comply with the requirements of the rules adopted 27933
by the board of building standards under division (A)(1) of 27934
section 4104.44 of the Revised Code, the superintendent shall 27935
approve the welding and brazing procedure specifications and 27936
welder and brazer performance qualifications as indicated on the 27937
forms and return one copy to the manufacturer, contractor, owner, 27938
or user of power, refrigerating, hydraulic, heating and liquefied 27939
petroleum gas, oxygen, or other gaseous piping systems who 27940

submitted the forms. 27941

(3) If the superintendent finds that the welding and brazing procedure specifications and welder and brazer performance qualifications do not comply with the requirements of the rules adopted by the board of building standards under division (A)(1) of section 4104.44 of the Revised Code, the superintendent shall indicate on the forms that the welding and brazing procedure specifications and welder and brazer performance qualifications are not approved and return one copy of the form to the manufacturer, contractor, owner, or user of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems who submitted the forms with an explanation of why the welding and brazing procedure specifications and welder and brazer performance qualifications were not approved. 27942
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Sec. 4104.44. (A) The board of building standards, 27955
established by section 3781.07 of the Revised Code, shall: 27956

(1) ~~Formulate~~ Adopt rules governing the design, plan review, approval, 27957
construction, and installation of power, refrigerating, 27958
hydraulic, heating, and liquefied petroleum gas, oxygen, and other 27959
gaseous piping systems. ~~Such~~ The rules shall prescribe uniform 27960
minimum standards necessary for the protection of the public 27961
health and safety and shall include rules establishing the safe 27962
working pressure to be carried by any such systems; a program for 27963
the certification of the welding and brazing procedures proposed 27964
to be used on any such system by the owner or operator of any 27965
welding or brazing business and for quinquennial performance 27966
testing of welders and brazers who work on any such system; and 27967
measures for the conservation of energy. ~~Such~~ The rules shall be 27968
based upon and follow generally accepted engineering standards, 27969
formulas, and practices established and pertaining to such piping 27970
construction, installation, and testing. The board may, for this 27971

purpose, adopt existing published standards, as well as amendments 27972
thereto subsequently published by the same authority. 27973

(2) Prescribe the tests, to ascertain the qualities of 27974
materials and welding and brazing materials used in the 27975
construction of power, refrigerating, hydraulic, heating, and 27976
liquefied petroleum gas, oxygen, and other gaseous piping systems; 27977

(3) Make a standard form of certificate of inspection; 27978

~~(4) Prescribe the examinations for applicants for 27979
certificates of competency provided for in section 4104.42 of the 27980
Revised Code and performance tests to determine the proficiency of 27981
welders and brazers; 27982~~

(5) Certify municipal and county building departments to 27983
inspect power, refrigerating, hydraulic, heating, and liquefied 27984
petroleum gas, oxygen, and other gaseous piping systems and adopt 27985
rules governing such certification; 27986

~~(6) Establish the fee to be charged for an inspection made by 27987
a general inspector and for the filing and auditing of special 27988
inspector reports, and collect all fees established in this 27989
section. 27990~~

The fee for the quinquennial performance tests shall be 27991
fifteen dollars and the fee for certification of welding and 27992
brazing procedures mentioned in division (A) of this section shall 27993
be sixty dollars, except that the board of building standards, 27994
with the approval of the controlling board, may establish fees in 27995
excess of these fees, provided that the fees do not exceed the 27996
amounts of these fees by more than fifty per cent. The fee for 27997
each welding and brazing instruction sheet and procedure 27998
qualification record shall be fifteen dollars. Any moneys 27999
collected under this section shall be paid into the state treasury 28000
to the credit of the industrial compliance operating fund created 28001
in section 121.084 of the Revised Code. 28002

~~(B) Piping is exempt from the requirements for submission of applications and inspections and the necessity to obtain permits, as required under this section and section 4104.45 of the Revised Code, or under rules adopted pursuant to those sections, for power, refrigerating, hydraulic, heating, and liquefied petroleum gas, oxygen, and gaseous piping systems if the piping is used:~~

~~(1) In air cooling systems in residential or commercial buildings and if such systems do not exceed five tons (sixty thousand British thermal units per hour) per system; or~~

~~(2) In air heating systems in residential or commercial buildings and if such systems do not exceed one hundred fifty thousand British thermal units per hour per system.~~

~~(C) The board of building standards may, by rule, exempt from the rules adopted pursuant to division (A)(1) of this section any pressure piping power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems which that pose no appreciable danger to the public health and safety.~~

Sec. 4104.45. (A) Except as otherwise provided in section 4104.44 of the Revised Code, new power, refrigerating, hydraulic, heating, liquefied petroleum gas, oxygen, and other gaseous piping systems shall be thoroughly inspected in accordance with the rules of the board of building standards. Such ~~inspection~~ inspections shall be performed by ~~one of the following:~~

~~(1) General inspectors of pressure piping systems;~~

~~(2) Special inspectors provided for in section 4104.43 of the Revised Code;~~

~~(3) Local inspectors provided for in section 4104.43 of the Revised Code.~~

~~(B) Owners or users of pressure piping systems required to be~~

~~inspected under this section shall pay to the division of 28033
industrial compliance in the department of commerce a fee of one 28034
hundred fifty dollars plus an additional fee determined as 28035
follows: 28036~~

~~(1) On or before June 30, 2000, two per cent of the actual 28037
cost of the system for each inspection made by a general 28038
inspector; 28039~~

~~(2) On July 1, 2000, and through June 30, 2001, one and 28040
eight tenths per cent of the actual cost of the system for each 28041
inspection made by a general inspector; 28042~~

~~(3) On and after July 1, 2001, one per cent of the actual 28043
cost of the system for each inspection made by a general 28044
inspector. 28045~~

~~(C) The board of building standards, subject to the approval 28046
of the controlling board, may establish a fee in excess of the fee 28047
provided in division (B) of this section, provided that the fee 28048
does not exceed the amount established in this section by more 28049
than fifty per cent. 28050~~

~~(D) In addition to the fee assessed in division (B) of this 28051
section, the board of building standards shall assess the owner or 28052
user a fee of three dollars and twenty five cents for each system 28053
inspected pursuant to this section. The board shall adopt rules, 28054
in accordance with Chapter 119. of the Revised Code, specifying 28055
the manner by which the superintendent of the division of 28056
industrial compliance in the department of commerce shall collect 28057
and remit to the board the fees assessed under this division and 28058
requiring that remittance of the fees be made at least quarterly. 28059~~

~~(E) Any moneys collected under this section shall be paid 28060
into the state treasury to the credit of the industrial compliance 28061
operating fund created in section 121.084 of the Revised Code. 28062~~

~~(F) Any person who fails to pay an inspection fee required 28063~~

~~for any inspection conducted by the division pursuant to this~~ 28064
~~chapter within forty five days after the inspection is conducted~~ 28065
~~shall pay a late payment fee equal to twenty five per cent of the~~ 28066
~~inspection fee inspectors designated by the superintendent of the~~ 28067
~~division of industrial compliance in the department of commerce~~ 28068
~~or, within jurisdictional limits established by the board of~~ 28069
~~building standards, by individuals certified by the board of~~ 28070
~~building standards pursuant to division (E) of section 3781.10 of~~ 28071
~~the Revised Code who are designated to do so by local building~~ 28072
~~departments, as appropriate.~~ 28073

~~(G)~~(B) The superintendent of the division of industrial 28074
compliance in the department of commerce may issue adjudication 28075
orders as necessary for the enforcement of sections 4104.41 to 28076
~~4104.46~~ 4104.48 of the Revised Code and rules adopted under those 28077
sections. No person shall violate or fail to comply with the terms 28078
and conditions of an adjudication order issued under this 28079
division. Adjudication orders issued pursuant to this division and 28080
appeals thereof are governed by section 3781.19 of the Revised 28081
Code. 28082

Sec. 4104.46. (A) The design, installation, and testing of 28083
nonflammable medical gas and vacuum piping systems within the 28084
scope of the national fire protection association standard, 28085
section 1-1 of "NFPA 99C, Gas and Vacuum Systems," is governed by 28086
that national fire protection association standard. 28087

(B) Installers, inspectors, verifiers, construction 28088
contracting maintenance personnel, and instructors for the design, 28089
installation, and testing of nonflammable medical gas and vacuum 28090
piping systems shall obtain certification by the American society 28091
of sanitary engineers in accordance with the American society of 28092
sanitary engineering series 6000 requirements. 28093

Sec. 4104.47. (A) No individual other than one certified by a private vendor in accordance with rules adopted by the board of building standards shall perform welding or brazing or both in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems.

(B) Each welder or brazer certified by a private vendor to perform welding or brazing or both in the construction of power, refrigerating, hydraulic, heating and liquefied petroleum gas, oxygen, or other gaseous piping systems shall be recertified by a private vendor to perform those services five years after the date of the original certification and every five years thereafter in accordance with rules adopted by the board. A private vendor shall recertify a welder or brazer who meets the requirements established by the board under division (A)(1) of section 4104.44 of the Revised Code.

~~Sec. 4104.46~~ 4104.48. (A) No person shall violate sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fail to perform any duty lawfully enjoined in connection with those sections, or fail to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code.

(B) Every day during which a person violates sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fails to perform any duty lawfully enjoined in connection with those sections, or fails to comply with any order issued by the superintendent of the division of industrial compliance or any judgment or decree issued by any court in connection with the enforcement of sections 4104.41 to ~~4104.46~~ 4104.48 of the Revised Code constitutes a separate offense.

Sec. 4105.17. (A) The fee for each 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 before the operation of a permanent new elevator prior to the issuance of a certificate of operation, before operation of an elevator being put back into service after a repair, or as a result of the operation of section 4105.08 of the Revised Code and is an elevator required to be inspected under this chapter is twenty dollars plus ten dollars for each floor where the elevator stops. The superintendent of industrial compliance may assess an additional fee of 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.

(B) The fee for each inspection, or attempted inspection, that due to no fault of the general inspector or the division of industrial compliance, is not successfully completed by a general inspector before operation of a permanent new escalator or moving walk prior to the issuance of a certificate of operation, before operation of an escalator or moving walk being put back in service after a repair, or as a result of the operation of section 4105.08 of the Revised Code is three hundred dollars. The superintendent of the division of industrial compliance may assess an additional fee of one hundred fifty dollars for the reinspection of an escalator or moving walk when a previous attempt to inspect that escalator or moving walk has been unsuccessful through no fault of the general inspector or the division of industrial compliance.

(C) The fee for issuing or renewing a certificate of operation under section 4105.15 of the Revised Code for an elevator that is inspected every six months in accordance with

division (A) of section 4105.10 of the Revised Code is ~~one~~ two 28155
hundred ~~five~~ dollars plus ten dollars for each floor where the 28156
elevator stops, except where the elevator has been inspected by a 28157
special inspector in accordance with section 4105.07 of the 28158
Revised Code. 28159

(D) The fee for issuing or renewing a certificate of 28160
operation under section 4105.05 of the Revised Code for an 28161
elevator that is inspected every twelve months in accordance with 28162
division (A) of section 4105.10 of the Revised Code is fifty-five 28163
dollars plus ten dollars for each floor where the elevator stops, 28164
except where the elevator has been inspected by a special 28165
inspector in accordance with section 4105.07 of the Revised Code. 28166

(E) The fee for issuing or renewing a certificate of 28167
operation under section 4105.15 of the Revised Code for an 28168
escalator or moving walk is three hundred dollars, except where 28169
the escalator or moving walk has been inspected by a special 28170
inspector in accordance section 4105.07 of the Revised Code. 28171

(F) All other fees to be charged for any examination given or 28172
other service performed by the division of industrial compliance 28173
pursuant to this chapter shall be prescribed by the director of 28174
commerce. The fees shall be reasonably related to the costs of 28175
such examination or other service. 28176

(G) The director of commerce, subject to the approval of the 28177
controlling board, may establish fees in excess of the fees 28178
provided in divisions (A) ~~and~~, (B), (C), (D), and (E) of this 28179
section, ~~provided that the fees do not exceed the amounts~~ 28180
~~established in divisions (A) and (B) of this section by more than~~ 28181
~~fifty per cent.~~ Any moneys collected under this section shall be 28182
paid into the state treasury to the credit of the industrial 28183
compliance operating fund created in section 121.084 of the 28184
Revised Code. 28185

(H) Any person who fails to pay an inspection fee required 28186
for any inspection conducted by the division pursuant to this 28187
chapter within forty-five days after the inspection is conducted 28188
shall pay a late payment fee equal to twenty-five per cent of the 28189
inspection fee. 28190

(I) In addition to the fees assessed in divisions (A), (B), 28191
(C), ~~and~~ (D), and (E) of this section, the board of building 28192
standards shall assess a fee of three dollars and twenty-five 28193
cents for each certificate of operation or renewal thereof issued 28194
under ~~division~~ divisions (A), (B), (C), (D), or (E) of this 28195
section and for each permit issued under section 4105.16 of the 28196
Revised Code. The board shall adopt rules, in accordance with 28197
Chapter 119. of the Revised Code, specifying the manner by which 28198
the superintendent of industrial compliance shall collect and 28199
remit to the board the fees assessed under this division and 28200
requiring that remittance of the fees be made at least quarterly. 28201

(J) For purposes of this section: 28202

(1) "Escalator" means a power driven, inclined, continuous 28203
stairway used for raising or lowering passengers. 28204

(2) "Moving walk" means a passenger carrying device on which 28205
passengers stand or walk, with a passenger carrying surface that 28206
is uninterrupted and remains parallel to its direction of motion. 28207

Sec. 4112.12. (A) There is hereby created the commission on 28208
African-American males, which shall consist of not more than 28209
forty-one members as follows: the directors or their designees of 28210
the departments of health, development, alcohol and drug addiction 28211
services, job and family services, rehabilitation and correction, 28212
mental health, and youth services; the adjutant general or the 28213
adjutant general's designee; the equal employment opportunity 28214
officer of the department of administrative services or the equal 28215

employment opportunity officer's designee; the executive director 28216
or the executive director's designee of the Ohio civil rights 28217
commission; the ~~director~~ superintendent or the ~~director's~~ 28218
superintendent's designee of the ~~office~~ bureau of criminal justice 28219
services; the superintendent of public instruction; the chancellor 28220
or the chancellor's designee of the Ohio board of regents; two 28221
members of the house of representatives appointed by the speaker 28222
of the house of representatives; three members of the senate 28223
appointed by the president of the senate; and not more than 28224
twenty-three members appointed by the governor. The members 28225
appointed by the governor shall include an additional member of 28226
the governor's cabinet and at least one representative of each of 28227
the following: the national association for the advancement of 28228
colored people; the urban league; an organization representing 28229
black elected officials; an organization representing black 28230
attorneys; the black religious community; the black business 28231
community; the nonminority business community; and organized 28232
labor; at least one black medical doctor, one black elected member 28233
of a school board, and one black educator; and at least two 28234
representatives of local private industry councils. The remaining 28235
members that may be appointed by the governor shall be selected 28236
from elected officials, civic and community leaders, and 28237
representatives of the employment, criminal justice, education, 28238
and health communities. 28239

(B) Terms of office shall be for three years, with each term 28240
ending on the same day of the same month as did the term that it 28241
succeeds. Each member shall hold office from the date of 28242
appointment until the end of the term for which the member was 28243
appointed. Members may be reappointed. Vacancies shall be filled 28244
in the manner provided for original appointments. Any member 28245
appointed to fill a vacancy occurring prior to the expiration date 28246
of the term for which the member's predecessor was appointed shall 28247
hold office as a member for the remainder of that term. A member 28248

shall continue in office subsequent to the expiration date of the 28249
member's term until the member's successor takes office or until a 28250
period of sixty days has elapsed, whichever occurs first. 28251

The commission annually shall elect a chairperson from among 28252
its members. 28253

(C) Members of the commission and members of subcommittees 28254
appointed under division (B) of section 4112.13 of the Revised 28255
Code shall not be compensated, but shall be reimbursed for their 28256
necessary and actual expenses incurred in the performance of their 28257
official duties. 28258

(D)(1) The Ohio civil rights commission shall serve as the 28259
commission on African-American males' fiscal agent and shall 28260
perform all of the following services: 28261

(a) Prepare and process payroll and other personnel documents 28262
that the commission on African-American males approves; 28263

(b) Maintain ledgers of accounts and reports of account 28264
balances, and monitor budgets and allotment plans in consultation 28265
with the commission on African-American males; 28266

(c) Perform other routine support services that the executive 28267
director of the Ohio civil rights commission or the executive 28268
director's designee and the Commission on African-American males 28269
or its designee consider appropriate to achieve efficiency. 28270

(2) The Ohio civil rights commission shall not approve any 28271
payroll or other personnel-related documents or any biennial 28272
budget, grant, expenditure, audit, or fiscal-related document 28273
without the advice and consent of the commission on 28274
African-American males. 28275

(3) The Ohio civil rights commission shall determine fees to 28276
be charged to the commission on African-American males for 28277
services performed under this division, which shall be in 28278

proportion to the services performed for the commission on	28279
African-American males.	28280
(4) The commission on African-American males or its designee	28281
has:	28282
(a) Sole authority to draw funds for any federal program in	28283
which the commission is authorized to participate;	28284
(b) Sole authority to expend funds from accounts for programs	28285
and any other necessary expenses the commission on	28286
African-American males may incur;	28287
(c) The duty to cooperate with the Ohio civil rights	28288
commission to ensure that the Ohio civil rights commission is	28289
fully apprised of all financial transactions.	28290
(E) The commission on African-American males shall appoint an	28291
executive director, who shall be in the unclassified civil	28292
service. The executive director shall supervise the commission's	28293
activities and report to the commission on the progress of those	28294
activities. The executive director shall do all things necessary	28295
for the efficient and effective implementation of the duties of	28296
the commission.	28297
The responsibilities assigned to the executive director do	28298
not relieve the members of the commission from final	28299
responsibility for the proper performance of the requirements of	28300
this division.	28301
(F) The commission on African-American males shall:	28302
(1) Employ, promote, supervise, and remove all employees, as	28303
needed, in connection with the performance of its duties under	28304
this section;	28305
(2) Maintain its office in Columbus;	28306
(3) Acquire facilities, equipment, and supplies necessary to	28307
house the commission, its employees, and files and records under	28308

its control, and to discharge any duty imposed upon it by law. The 28309
expense of these acquisitions shall be audited and paid for in the 28310
same manner as other state expenses. 28311

(4) Prepare and submit to the office of budget and management 28312
a budget for each biennium in accordance with sections 101.55 and 28313
107.03 of the Revised Code. The budget submitted shall cover the 28314
costs of the commission and its staff in the discharge of any duty 28315
imposed upon the commission by law. The commission shall pay its 28316
own payroll and other operating expenses from appropriation items 28317
designated by the general assembly. The commission shall not 28318
delegate any authority to obligate funds. 28319

(5) Establish the overall policy and management of the 28320
commission in accordance with this chapter; 28321

(6) Follow all state procurement requirements; 28322

(7) Pay fees owed to the Ohio civil rights commission under 28323
division (D) of this section from the commission on 28324
African-American males' general revenue fund or from any other 28325
fund from which the operating expenses of the commission on 28326
African-American males are paid. Any amounts set aside for a 28327
fiscal year for the payment of such fees shall be used only for 28328
the services performed for the commission on African-American 28329
males by the Ohio civil rights commission in that fiscal year. 28330

(G) The commission on African-American males may: 28331

(1) Hold sessions at any place within the state; 28332

(2) Establish, change, or abolish positions, and assign and 28333
reassign duties and responsibilities of any employee of the 28334
commission on African-American males as necessary to achieve the 28335
most efficient performance of its functions. 28336

Sec. 4112.15. There is hereby created in the state treasury 28337
the civil rights commission general reimbursement fund, which 28338

shall be used to pay operating costs of the commission. All 28339
amounts received by the commission, and all amounts awarded by a 28340
court to the commission, for attorney's fees, court costs, expert 28341
witness fees, and other litigation expenses shall be paid into the 28342
state treasury to the credit of the fund. All ~~money paid to~~ 28343
amounts received by the commission for copies of commission 28344
documents and for other goods and services furnished by the 28345
commission shall be ~~credited~~ paid into the state treasury to the 28346
credit of the fund. 28347

Sec. 4115.10. (A) No person, firm, corporation, or public 28348
authority that constructs a public improvement with its own 28349
forces, the total overall project cost of which is fairly 28350
estimated to be more than the amounts set forth in division (B)(1) 28351
or (2) of section 4115.03 of the Revised Code, adjusted biennially 28352
by the director of commerce pursuant to section 4115.034 of the 28353
Revised Code, shall violate the wage provisions of sections 28354
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 28355
require any employee to work for less than the rate of wages so 28356
fixed, or violate the provisions of section 4115.07 of the Revised 28357
Code. Any employee upon any public improvement, except an employee 28358
to whom or on behalf of whom restitution is made pursuant to 28359
division (C) of section 4115.13 of the Revised Code, who is paid 28360
less than the fixed rate of wages applicable thereto may recover 28361
from such person, firm, corporation, or public authority that 28362
constructs a public improvement with its own forces the difference 28363
between the fixed rate of wages and the amount paid to the 28364
employee and in addition thereto a sum equal to twenty-five per 28365
cent of that difference. The person, firm, corporation, or public 28366
authority who fails to pay the rate of wages so fixed also shall 28367
pay a penalty to the director of seventy-five per cent of the 28368
difference between the fixed rate of wages and the amount paid to 28369
the employees on the public improvement. The director shall 28370

deposit all moneys received from penalties paid to the director 28371
pursuant to this section into the penalty enforcement fund, which 28372
is hereby created in the state treasury. The director shall use 28373
the fund for the enforcement of sections 4115.03 to 4115.16 of the 28374
Revised Code. The employee may file suit for recovery within ~~sixty~~ 28375
ninety days of the director's determination of a violation of 28376
sections 4115.03 to 4115.16 of the Revised Code or is barred from 28377
further action under this division. Where the employee prevails in 28378
a suit, the employer shall pay the costs and reasonable attorney's 28379
fees allowed by the court. 28380

(B) Any employee upon any public improvement who is paid less 28381
than the prevailing rate of wages applicable thereto may file a 28382
complaint in writing with the director upon a form furnished by 28383
the director. ~~At the written request~~ The complaint shall include 28384
documented evidence to demonstrate that the employee was paid less 28385
than the prevailing wage in violation of this chapter. Upon 28386
receipt of a properly completed written complaint of any employee 28387
paid less than the prevailing rate of wages applicable, the 28388
director shall take an assignment of a claim in trust for the 28389
assigning employee and bring any legal action necessary to collect 28390
the claim. The employer shall pay the costs and reasonable 28391
attorney's fees allowed by the court if the employer is found in 28392
violation of sections 4115.03 to 4115.16 of the Revised Code. 28393

(C) If after investigation pursuant to section 4115.13 of the 28394
Revised Code, the director determines there is a violation of 28395
sections 4115.03 to 4115.16 of the Revised Code and a period of 28396
sixty days has elapsed from the date of the determination, and if: 28397

(1) No employee has brought suit pursuant to division (A) of 28398
this section; 28399

(2) No employee has requested that the director take an 28400
assignment of a wage claim pursuant to division (B) of this 28401
section; 28402

The director shall bring any legal action necessary to collect any amounts owed to employees and the 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. 4115.21. A person who files an action alleging a violation of sections 4115.03 to 4115.16 of the Revised Code shall file the action within two years after the alleged violation

occurred or be barred from further action under this chapter. 28434

Sec. 4117.02. (A) There is hereby created the state 28435
employment relations board, consisting of three members to be 28436
appointed by the governor with the advice and consent of the 28437
senate. Members shall be knowledgeable about labor relations or 28438
personnel practices. No more than two of the three members shall 28439
belong to the same political party. A member of the board during 28440
the member's period of service shall hold no other public office 28441
or public or private employment and shall allow no other 28442
responsibilities to interfere or conflict with the member's duties 28443
as a full-time board member. Of the initial appointments made to 28444
the board, one shall be for a term ending October 6, 1984, one 28445
shall be for a term ending October 6, 1985, and one shall be for a 28446
term ending October 6, 1986. Thereafter, terms of office shall be 28447
for six years, each term ending on the same day of the same month 28448
of the year as did the term that it succeeds. Each member shall 28449
hold office from the date of the member's appointment until the 28450
end of the term for which the member is appointed. Any member 28451
appointed to fill a vacancy occurring prior to the expiration of 28452
the term for which the member's predecessor was appointed shall 28453
hold office for the remainder of the term. Any member shall 28454
continue in office subsequent to the expiration of the member's 28455
term until the member's successor takes office or until a period 28456
of sixty days has elapsed, whichever occurs first. The 28457

~~The governor shall designate one member to serve as~~ 28458
~~chairperson of the board.~~ The governor may remove any member of 28459
the board, upon notice and public hearing, for neglect of duty or 28460
malfeasance in office, but for no other cause. 28461

(B) A (1) The governor shall designate one member of the 28462
board to serve as chairperson of the board. The chairperson is the 28463
head of the board and its chief executive officer. 28464

(2) The chairperson shall exercise all administrative powers and duties conferred upon the board under this chapter and shall do all of the following: 28465
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(a) Except as provided in division (F)(2) of this section, employ, promote, supervise, and remove all employees of the board, and establish, change, or abolish positions and assign or reassign the duties of those employees as the chairperson determines necessary to achieve the most efficient performance of the board's duties under this chapter; 28468
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(b) Maintain the office of the board in Columbus and manage the office's daily operations, including securing facilities, equipment, and supplies necessary to house the board, employees of the board, and files and records under the board's control; 28474
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(c) Prepare and submit to the office of budget and management a budget for each biennium according to section 107.03 of the Revised Code, and include in the budget the costs of the board and its staff and the board's costs in discharging any duty imposed by law upon the board, the chairperson, or any of the board's employees or agents. 28478
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(C) The vacancy on the board does not impair the right of the remaining members to exercise all the powers of the board, and two members of the board, at all times, constitute a quorum. The board shall have an official seal of which courts shall take judicial notice. 28484
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~~(C)~~(D) The board shall make an annual report in writing to the governor and to the general assembly, stating in detail the work it has done. 28489
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~~(D)~~(E) Compensation of the chairperson and members shall be in accordance with division (J) of section 124.15 of the Revised Code. The chairperson and the members are eligible for reappointment. In addition to such compensation, all members shall 28492
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be reimbursed for their necessary expenses incurred in the 28496
performance of their work as members. 28497

~~(E)(F)(1) The chairperson, after consulting with the other 28498
board members and receiving the consent of at least one other 28499
board member, shall appoint an executive director and. The 28500
chairperson also shall appoint attorneys, and attorney-trial 28501
examiners, mediators, arbitrators, members of fact-finding panels, 28502
directors for local areas, and other employees as it finds 28503
necessary for the proper performance of its duties and may 28504
prescribe their duties. The 28505~~

(2) The board shall appoint mediators, arbitrators, members 28506
of fact-finding panels, and directors for local areas, and shall 28507
prescribe their job duties. 28508

(G)(1) The executive director shall serve at the pleasure of 28509
the chairperson. The executive director, under the direction of 28510
the chairperson, shall do all of the following: 28511

(a) Act as chief administrative officer for the board; 28512

(b) Ensure that all employees of the board comply with the 28513
rules of the board; 28514

(c) Do all things necessary for the efficient and effective 28515
implementation of the duties of the board. 28516

(2) The duties of the executive director described in 28517
division (G)(1) of this section do not relieve the chairperson 28518
from final responsibility for the proper performance of the duties 28519
described in that division. 28520

(H) The attorney general shall be the legal adviser of the 28521
board and shall appear for and represent the board and its agents 28522
in all legal proceedings. The board may utilize regional, local, 28523
or other agencies, and utilize voluntary and uncompensated 28524
services as needed. The board may contract with the federal 28525

mediation and conciliation service for the assistance of 28526
mediators, arbitrators, and other personnel the service makes 28527
available. The board and the chairperson, respectively, shall 28528
appoint all employees on the basis of training, practical 28529
experience, education, and character, notwithstanding the 28530
requirements established by section 119.09 of the Revised Code. 28531
The board shall give special regard to the practical training and 28532
experience that employees have for the particular position 28533
involved. All full-time employees of the board excepting the 28534
executive director, the head of the bureau of mediation, and the 28535
personal secretaries and assistants of the board members are in 28536
the classified service. All employees of the board shall be paid 28537
in accordance with Chapter 124. of the Revised Code. 28538

~~(F)~~(I) The board shall select and assign examiners and other 28539
agents whose functions are to conduct hearings with due regard to 28540
their impartiality, judicial temperament, and knowledge. If in any 28541
proceeding under this chapter, any party prior to five days before 28542
the hearing thereto files with the board a sworn statement 28543
charging that the examiner or other agent designated to conduct 28544
the hearing is biased or partial in the proceeding, the board may 28545
disqualify the person and designate another examiner or agent to 28546
conduct the proceeding. At least ten days before any hearing, the 28547
board shall notify all parties to a proceeding of the name of the 28548
examiner or agent designated to conduct the hearing. 28549

~~(G)~~(J) The principal office of the board is in Columbus, but 28550
it may meet and exercise any or all of its powers at any other 28551
place within the state. The board may, by one or more of its 28552
employees, or any agents or agencies it designates, conduct in any 28553
part of this state any proceeding, hearing, investigation, 28554
inquiry, or election necessary to the performance of its 28555
functions; provided, that no person so designated may later sit in 28556
determination of an appeal of the decision of that cause or 28557

matter. 28558

~~(H)~~(K) In addition to the powers and functions provided in 28559
other sections of this chapter, the board shall do all of the 28560
following: 28561

(1) Create a bureau of mediation within the state employment 28562
relations board, to perform the functions provided in section 28563
4117.14 of the Revised Code. This bureau shall also establish, 28564
after consulting representatives of employee organizations and 28565
public employers, panels of qualified persons to be available to 28566
serve as members of fact-finding panels and arbitrators. 28567

(2) Conduct studies of problems involved in representation 28568
and negotiation and make recommendations for legislation; 28569

(3) Hold hearings pursuant to this chapter and, for the 28570
purpose of the hearings and inquiries, administer oaths and 28571
affirmations, examine witnesses and documents, take testimony and 28572
receive evidence, compel the attendance of witnesses and the 28573
production of documents by the issuance of subpoenas, and delegate 28574
these powers to any members of the board or any attorney-trial 28575
examiner appointed by the board for the performance of its 28576
functions; 28577

(4) Train representatives of employee organizations and 28578
public employers in the rules and techniques of collective 28579
bargaining procedures; 28580

(5) Make studies and analyses of, and act as a clearinghouse 28581
of information relating to, conditions of employment of public 28582
employees throughout the state and request assistance, services, 28583
and data from any public employee organization, public employer, 28584
or governmental unit. Public employee organizations, public 28585
employers, and governmental units shall provide such assistance, 28586
services, and data as will enable the board to carry out its 28587
functions and powers. 28588

(6) Make available to employee organizations, public employers, mediators, fact-finding panels, arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve issues in negotiations;

(7) Notwithstanding section 119.13 of the Revised Code, establish standards of persons who practice before it;

(8) Adopt, amend, and rescind rules and procedures and exercise other powers appropriate to carry out this chapter. Before the adoption, amendment, or rescission of rules and procedures under this section, the board shall do all of the following:

(a) Maintain a list of interested public employers and employee organizations and mail notice to such groups of any proposed rule or procedure, amendment thereto, or rescission thereof at least thirty days before any public hearing thereon;

(b) Mail a copy of each proposed rule or procedure, amendment thereto, or rescission thereof to any person who requests a copy within five days after receipt of the request therefor;

(c) Consult with appropriate statewide organizations representing public employers or employees who would be affected by the proposed rule or procedure.

Although the board is expected to discharge these duties diligently, failure to mail any notice or copy, or to so consult with any person, is not jurisdictional and shall not be construed to invalidate any proceeding or action of the board.

~~(I)~~(L) In case of neglect or refusal to obey a subpoena issued to any person, the court of common pleas of the county in which the investigation or the public hearing occurs, upon

application by the board, may issue an order requiring the person 28619
to appear before the board and give testimony about the matter 28620
under investigation. The court may punish a failure to obey the 28621
order as contempt. 28622

~~(J)~~(M) Any subpoena, notice of hearing, or other process or 28623
notice of the board issued under this section may be served 28624
personally, by certified mail, or by leaving a copy at the 28625
principal office or personal residence of the respondent required 28626
to be served. A return, made and verified by the individual making 28627
the service and setting forth the manner of service, is proof of 28628
service, and a return post office receipt, when certified mail is 28629
used, is proof of service. All process in any court to which 28630
application is made under this chapter may be served in the county 28631
wherein the persons required to be served reside or are found. 28632

~~(K)~~(N) All expenses of the board, including all necessary 28633
traveling and subsistence expenses incurred by the members or 28634
employees of the board under its orders, shall be paid pursuant to 28635
itemized vouchers approved by the chairperson of the board, the 28636
executive director, or both, or such other person as the ~~board~~ 28637
chairperson designates for that purpose. 28638

~~(L)~~(O) Whenever the board determines that a substantial 28639
controversy exists with respect to the application or 28640
interpretation of this chapter and the matter is of public or 28641
great general interest, the board shall certify its final order 28642
directly to the court of appeals having jurisdiction over the area 28643
in which the principal office of the public employer directly 28644
affected by the application or interpretation is located. The 28645
chairperson shall file with the clerk of the court a certified 28646
copy of the transcript of the proceedings before the board 28647
pertaining to the final order. If upon hearing and consideration 28648
the court decides that the final order of the board is unlawful or 28649
is not supported by substantial evidence on the record as a whole, 28650

the court shall reverse and vacate the final order or modify it 28651
and enter final judgment in accordance with the modification; 28652
otherwise, the court shall affirm the final order. The notice of 28653
the final order of the board to the interested parties shall 28654
contain a certification by the chairperson of the board that the 28655
final order is of public or great general interest and that a 28656
certified transcript of the record of the proceedings before the 28657
board had been filed with the clerk of the court as an appeal to 28658
the court. For the purposes of this division, the board has 28659
standing to bring its final order properly before the court of 28660
appeals. 28661

~~(M)~~(P) Except as otherwise specifically provided in this 28662
section, the board is subject to Chapter 119. of the Revised Code, 28663
including the procedure for submission of proposed rules to the 28664
general assembly for legislative review under division (H) of 28665
section 119.03 of the Revised Code. 28666

Sec. 4117.10. (A) An agreement between a public employer and 28667
an exclusive representative entered into pursuant to this chapter 28668
governs the wages, hours, and terms and conditions of public 28669
employment covered by the agreement. If the agreement provides for 28670
a final and binding arbitration of grievances, public employers, 28671
employees, and employee organizations are subject solely to that 28672
grievance procedure and the state personnel board of review or 28673
civil service commissions have no jurisdiction to receive and 28674
determine any appeals relating to matters that were the subject of 28675
a final and binding grievance procedure. Where no agreement exists 28676
or where an agreement makes no specification about a matter, the 28677
public employer and public employees are subject to all applicable 28678
state or local laws or ordinances pertaining to the wages, hours, 28679
and terms and conditions of employment for public employees. Laws 28680
pertaining to civil rights, affirmative action, unemployment 28681
compensation, workers' compensation, the retirement of public 28682

employees, and residency requirements, the minimum educational 28683
requirements contained in the Revised Code pertaining to public 28684
education including the requirement of a certificate by the fiscal 28685
officer of a school district pursuant to section 5705.41 of the 28686
Revised Code, the provisions of division (A) of section 124.34 of 28687
the Revised Code governing the disciplining of officers and 28688
employees who have been convicted of a felony, and the minimum 28689
standards promulgated by the state board of education pursuant to 28690
division (D) of section 3301.07 of the Revised Code prevail over 28691
conflicting provisions of agreements between employee 28692
organizations and public employers. The law pertaining to the 28693
leave of absence and compensation provided under section 5923.05 28694
of the Revised Code prevails over any conflicting provisions of 28695
such agreements if the terms of the agreement contain benefits 28696
which are less than those contained in that section or the 28697
agreement contains no such terms and the public authority is the 28698
state or any agency, authority, commission, or board of the state 28699
or if the public authority is another entity listed in division 28700
(B) of section 4117.01 of the Revised Code that elects to provide 28701
leave of absence and compensation as provided in section 5923.05 28702
of the Revised Code. Except for sections 306.08, 306.12, and 28703
306.35, ~~and 4981.22~~ of the Revised Code and arrangements entered 28704
into thereunder, ~~and section 4981.21 of the Revised Code as~~ 28705
~~necessary to comply with section 13(c) of the "Urban Mass~~ 28706
~~Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as~~ 28707
~~amended, and arrangements entered into thereunder,~~ this chapter 28708
prevails over any and all other conflicting laws, resolutions, 28709
provisions, present or future, except as otherwise specified in 28710
this chapter or as otherwise specified by the general assembly. 28711
Nothing in this section prohibits or shall be construed to 28712
invalidate the provisions of an agreement establishing 28713
supplemental workers' compensation or unemployment compensation 28714
benefits or exceeding minimum requirements contained in the 28715

Revised Code pertaining to public education or the minimum 28716
standards promulgated by the state board of education pursuant to 28717
division (D) of section 3301.07 of the Revised Code. 28718

(B) The public employer shall submit a request for funds 28719
necessary to implement an agreement and for approval of any other 28720
matter requiring the approval of the appropriate legislative body 28721
to the legislative body within fourteen days of the date on which 28722
the parties finalize the agreement, unless otherwise specified, 28723
but if the appropriate legislative body is not in session at the 28724
time, then within fourteen days after it convenes. The legislative 28725
body must approve or reject the submission as a whole, and the 28726
submission is deemed approved if the legislative body fails to act 28727
within thirty days after the public employer submits the 28728
agreement. The parties may specify that those provisions of the 28729
agreement not requiring action by a legislative body are effective 28730
and operative in accordance with the terms of the agreement, 28731
provided there has been compliance with division (C) of this 28732
section. If the legislative body rejects the submission of the 28733
public employer, either party may reopen all or part of the entire 28734
agreement. 28735

As used in this section, "legislative body" includes the 28736
general assembly, the governing board of a municipal corporation, 28737
school district, college or university, village, township, or 28738
board of county commissioners or any other body that has authority 28739
to approve the budget of their public jurisdiction. 28740

(C) The chief executive officer, or the chief executive 28741
officer's representative, of each municipal corporation, the 28742
designated representative of the board of education of each school 28743
district, college or university, or any other body that has 28744
authority to approve the budget of their public jurisdiction, the 28745
designated representative of the board of county commissioners and 28746
of each elected officeholder of the county whose employees are 28747

covered by the collective negotiations, and the designated 28748
representative of the village or the board of township trustees of 28749
each township is responsible for negotiations in the collective 28750
bargaining process; except that the legislative body may accept or 28751
reject a proposed collective bargaining agreement. When the 28752
matters about which there is agreement are reduced to writing and 28753
approved by the employee organization and the legislative body, 28754
the agreement is binding upon the legislative body, the employer, 28755
and the employee organization and employees covered by the 28756
agreement. 28757

(D) There is hereby established an office of collective 28758
bargaining in the department of administrative services for the 28759
purpose of negotiating with and entering into written agreements 28760
between state agencies, departments, boards, and commissions and 28761
the exclusive representative on matters of wages, hours, terms and 28762
other conditions of employment and the continuation, modification, 28763
or deletion of an existing provision of a collective bargaining 28764
agreement. Nothing in any provision of law to the contrary shall 28765
be interpreted as excluding the bureau of workers' compensation 28766
and the industrial commission from the preceding sentence. This 28767
office shall not negotiate on behalf of other statewide elected 28768
officials or boards of trustees of state institutions of higher 28769
education who shall be considered as separate public employers for 28770
the purposes of this chapter; however, the office may negotiate on 28771
behalf of these officials or trustees where authorized by the 28772
officials or trustees. The staff of the office of collective 28773
bargaining are in the unclassified service. The director of 28774
administrative services shall fix the compensation of the staff. 28775

The office of collective bargaining shall: 28776

(1) Assist the director in formulating management's 28777
philosophy for public collective bargaining as well as planning 28778
bargaining strategies; 28779

(2) Conduct negotiations with the exclusive representatives of each employee organization;	28780 28781
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	28782 28783 28784
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	28785 28786
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	28787 28788
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	28789 28790 28791 28792
Sec. 4117.14. (A) The procedures contained in this section govern the settlement of disputes between an exclusive representative and a public employer concerning the termination or modification of an existing collective bargaining agreement or negotiation of a successor agreement, or the negotiation of an initial collective bargaining agreement.	28793 28794 28795 28796 28797 28798
(B)(1) In those cases where there exists a collective bargaining agreement, any public employer or exclusive representative desiring to terminate, modify, or negotiate a successor collective bargaining agreement shall:	28799 28800 28801 28802
(a) Serve written notice upon the other party of the proposed termination, modification, or successor agreement. The party must serve the notice not less than sixty days prior to the expiration date of the existing agreement or, in the event the existing collective bargaining agreement does not contain an expiration date, not less than sixty days prior to the time it is proposed to make the termination or modifications or to make effective a	28803 28804 28805 28806 28807 28808 28809

successor agreement.	28810
(b) Offer to bargain collectively with the other party for the purpose of modifying or terminating any existing agreement or negotiating a successor agreement;	28811 28812 28813
(c) Notify the state employment relations board of the offer by serving upon the board a copy of the written notice to the other party and a copy of the existing collective bargaining agreement.	28814 28815 28816 28817
(2) In the case of initial negotiations between a public employer and an exclusive representative, where a collective bargaining agreement has not been in effect between the parties, any party may serve notice upon the board and the other party setting forth the names and addresses of the parties and offering to meet, for a period of ninety days, with the other party for the purpose of negotiating a collective bargaining agreement.	28818 28819 28820 28821 28822 28823 28824
If the settlement procedures specified in divisions (B), (C), and (D) of this section govern the parties, where those procedures refer to the expiration of a collective bargaining agreement, it means the expiration of the sixty-day period to negotiate a collective bargaining agreement referred to in this subdivision, or in the case of initial negotiations, it means the ninety day period referred to in this subdivision.	28825 28826 28827 28828 28829 28830 28831
(3) The parties shall continue in full force and effect all the terms and conditions of any existing collective bargaining agreement, without resort to strike or lock-out, for a period of sixty days after the party gives notice or until the expiration date of the collective bargaining agreement, whichever occurs later, or for a period of ninety days where applicable.	28832 28833 28834 28835 28836 28837
(4) Upon receipt of the notice, the parties shall enter into collective bargaining.	28838 28839
(C) In the event the parties are unable to reach an	28840

agreement, they may submit, at any time prior to forty-five days 28841
before the expiration date of the collective bargaining agreement, 28842
the issues in dispute to any mutually agreed upon dispute 28843
settlement procedure which supersedes the procedures contained in 28844
this section. 28845

(1) The procedures may include: 28846

(a) Conventional arbitration of all unsettled issues; 28847

(b) Arbitration confined to a choice between the last offer 28848
of each party to the agreement as a single package; 28849

(c) Arbitration confined to a choice of the last offer of 28850
each party to the agreement on each issue submitted; 28851

(d) The procedures described in division (C)(1)(a), (b), or 28852
(c) of this section and including among the choices for the 28853
arbitrator, the recommendations of the fact finder, if there are 28854
recommendations, either as a single package or on each issue 28855
submitted; 28856

(e) Settlement by a citizens' conciliation council composed 28857
of three residents within the jurisdiction of the public employer. 28858
The public employer shall select one member and the exclusive 28859
representative shall select one member. The two members selected 28860
shall select the third member who shall chair the council. If the 28861
two members cannot agree upon a third member within five days 28862
after their appointments, the board shall appoint the third 28863
member. Once appointed, the council shall make a final settlement 28864
of the issues submitted to it pursuant to division (G) of this 28865
section. 28866

(f) Any other dispute settlement procedure mutually agreed to 28867
by the parties. 28868

(2) If, fifty days before the expiration date of the 28869
collective bargaining agreement, the parties are unable to reach 28870

an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the collective bargaining process.

~~(3) If the mediator after assisting the parties advises the board that the parties have reached an impasse, or not later than thirty one days prior to the expiration date of the agreement~~ Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint ~~within one day~~ a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to specify in writing the unresolved issues and its position on each issue to the fact-finding panel. The fact-finding panel shall make final recommendations as to all the unresolved issues.

(b) The board may continue mediation, order the parties to engage in collective bargaining until the expiration date of the

agreement, or both. 28902

(4) The following guidelines apply to fact-finding: 28903

(a) The fact-finding panel may establish times and place of 28904
hearings which shall be, where feasible, in the jurisdiction of 28905
the state. 28906

(b) The fact-finding panel shall conduct the hearing pursuant 28907
to rules established by the board. 28908

(c) Upon request of the fact-finding panel, the board shall 28909
issue subpoenas for hearings conducted by the panel. 28910

(d) The fact-finding panel may administer oaths. 28911

(e) The board shall prescribe guidelines for the fact-finding 28912
panel to follow in making findings. In making its recommendations, 28913
the fact-finding panel shall take into consideration the factors 28914
listed in divisions (G)(7)(a) to (f) of this section. 28915

(f) The fact-finding panel may attempt mediation at any time 28916
during the fact-finding process. From the time of appointment 28917
until the fact-finding panel makes a final recommendation, it 28918
shall not discuss the recommendations for settlement of the 28919
dispute with parties other than the direct parties to the dispute. 28920

(5) The fact-finding panel, acting by a majority of its 28921
members, shall transmit its findings of fact and recommendations 28922
on the unresolved issues to the public employer and employee 28923
organization involved and to the board no later than fourteen days 28924
after the appointment of the fact-finding panel, unless the 28925
parties mutually agree to an extension. The ~~state parties~~ shall 28926
~~pay one half share~~ the cost of the fact-finding panel. ~~The parties~~ 28927
~~each shall pay one half of the remaining costs in a manner agreed~~ 28928
~~to by the parties.~~ 28929

(6)(a) Not later than seven days after the findings and 28930
recommendations are sent, the legislative body, by a three-fifths 28931

vote of its total membership, and in the case of the public 28932
employee organization, the membership, by a three-fifths vote of 28933
the total membership, may reject the recommendations; if neither 28934
rejects the recommendations, the recommendations shall be deemed 28935
agreed upon as the final resolution of the issues submitted and a 28936
collective bargaining agreement shall be executed between the 28937
parties, including the fact-finding panel's recommendations, 28938
except as otherwise modified by the parties by mutual agreement. 28939
If either the legislative body or the public employee organization 28940
rejects the recommendations, the board shall publicize the 28941
findings of fact and recommendations of the fact-finding panel. 28942
The board shall adopt rules governing the procedures and methods 28943
for public employees to vote on the recommendations of the 28944
fact-finding panel. 28945

(b) As used in division (C)(6)(a) of this section, 28946
"legislative body" means the controlling board when the state or 28947
any of its agencies, authorities, commissions, boards, or other 28948
branch of public employment is party to the fact-finding process. 28949

(D) If the parties are unable to reach agreement within seven 28950
days after the publication of findings and recommendations from 28951
the fact-finding panel or the collective bargaining agreement, if 28952
one exists, has expired, then the: 28953

(1) Public employees, who are members of a police or fire 28954
department, members of the state highway patrol, deputy sheriffs, 28955
dispatchers employed by a police, fire or sheriff's department or 28956
the state highway patrol or civilian dispatchers employed by a 28957
public employer other than a police, fire, or sheriff's department 28958
to dispatch police, fire, sheriff's department, or emergency 28959
medical or rescue personnel and units, an exclusive nurse's unit, 28960
employees of the state school for the deaf or the state school for 28961
the blind, employees of any public employee retirement system, 28962
corrections officers, guards at penal or mental institutions, 28963

special police officers appointed in accordance with sections 28964
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 28965
employed at mental health forensic facilities, or youth leaders 28966
employed at juvenile correctional facilities, shall submit the 28967
matter to a final offer settlement procedure pursuant to a board 28968
order issued forthwith to the parties to settle by a conciliator 28969
selected by the parties. The parties shall request from the board 28970
a list of five qualified conciliators and the parties shall select 28971
a single conciliator from the list by alternate striking of names. 28972
If the parties cannot agree upon a conciliator within five days 28973
after the board order, the board shall on the sixth day after its 28974
order appoint a conciliator from a list of qualified persons 28975
maintained by the board or shall request a list of qualified 28976
conciliators from the American arbitration association and appoint 28977
therefrom. 28978

(2) Public employees other than those listed in division 28979
(D)(1) of this section have the right to strike under Chapter 28980
4117. of the Revised Code provided that the employee organization 28981
representing the employees has given a ten-day prior written 28982
notice of an intent to strike to the public employer and to the 28983
board, and further provided that the strike is for full, 28984
consecutive work days and the beginning date of the strike is at 28985
least ten work days after the ending date of the most recent prior 28986
strike involving the same bargaining unit; however, the board, at 28987
its discretion, may attempt mediation at any time. 28988

(E) Nothing in this section shall be construed to prohibit 28989
the parties, at any time, from voluntarily agreeing to submit any 28990
or all of the issues in dispute to any other alternative dispute 28991
settlement procedure. An agreement or statutory requirement to 28992
arbitrate or to settle a dispute pursuant to a final offer 28993
settlement procedure and the award issued in accordance with the 28994
agreement or statutory requirement is enforceable in the same 28995

manner as specified in division (B) of section 4117.09 of the Revised Code. 28996
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(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code. 28998
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(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section: 29002
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(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time. 29004
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(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable. 29010
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(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position. 29013
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(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing. 29021
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(5) The conciliator may administer oaths. 29023

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the 29024
29025

hearing. The board shall submit for inclusion in the record and 29026
for consideration by the conciliator the written report and 29027
recommendation of the fact-finders. 29028

(7) After hearing, the conciliator shall resolve the dispute 29029
between the parties by selecting, on an issue-by-issue basis, from 29030
between each of the party's final settlement offers, taking into 29031
consideration the following: 29032

(a) Past collectively bargained agreements, if any, between 29033
the parties; 29034

(b) Comparison of the issues submitted to final offer 29035
settlement relative to the employees in the bargaining unit 29036
involved with those issues related to other public and private 29037
employees doing comparable work, giving consideration to factors 29038
peculiar to the area and classification involved; 29039

(c) The interests and welfare of the public, the ability of 29040
the public employer to finance and administer the issues proposed, 29041
and the effect of the adjustments on the normal standard of public 29042
service; 29043

(d) The lawful authority of the public employer; 29044

(e) The stipulations of the parties; 29045

(f) Such other factors, not confined to those listed in this 29046
section, which are normally or traditionally taken into 29047
consideration in the determination of the issues submitted to 29048
final offer settlement through voluntary collective bargaining, 29049
mediation, fact-finding, or other impasse resolution procedures in 29050
the public service or in private employment. 29051

(8) Final offer settlement awards made under Chapter 4117. of 29052
the Revised Code are subject to Chapter 2711. of the Revised Code. 29053

(9) If more than one conciliator is used, the determination 29054
must be by majority vote. 29055

(10) The conciliator shall make written findings of fact and 29056
promulgate a written opinion and order upon the issues presented 29057
to the conciliator, and upon the record made before the 29058
conciliator and shall mail or otherwise deliver a true copy 29059
thereof to the parties and the board. 29060

(11) Increases in rates of compensation and other matters 29061
with cost implications awarded by the conciliator may be effective 29062
only at the start of the fiscal year next commencing after the 29063
date of the final offer settlement award; provided that if a new 29064
fiscal year has commenced since the issuance of the board order to 29065
submit to a final offer settlement procedure, the awarded 29066
increases may be retroactive to the commencement of the new fiscal 29067
year. The parties may, at any time, amend or modify a 29068
conciliator's award or order by mutual agreement. 29069

(12) The parties shall bear equally the cost of the final 29070
offer settlement procedure. 29071

(13) Conciliators appointed pursuant to this section shall be 29072
residents of the state. 29073

(H) All final offer settlement awards and orders of the 29074
conciliator made pursuant to Chapter 4117. of the Revised Code are 29075
subject to review by the court of common pleas having jurisdiction 29076
over the public employer as provided in Chapter 2711. of the 29077
Revised Code. If the public employer is located in more than one 29078
court of common pleas district, the court of common pleas in which 29079
the principal office of the chief executive is located has 29080
jurisdiction. 29081

(I) The issuance of a final offer settlement award 29082
constitutes a binding mandate to the public employer and the 29083
exclusive representative to take whatever actions are necessary to 29084
implement the award. 29085

Sec. 4123.27. Information contained in the annual statement 29086
provided for in section 4123.26 of the Revised Code, and such 29087
other information as may be furnished to the bureau of workers' 29088
compensation by employers in pursuance of that section, is for the 29089
exclusive use and information of the bureau in the discharge of 29090
its official duties, and shall not be open to the public nor be 29091
used in any court in any action or proceeding pending therein 29092
unless the bureau is a party to the action or proceeding; but the 29093
information contained in the statement may be tabulated and 29094
published by the bureau in statistical form for the use and 29095
information of other state departments and the public. No person 29096
in the employ of the bureau, except those who are authorized by 29097
the administrator of workers' compensation, shall divulge any 29098
information secured by the person while in the employ of the 29099
bureau in respect to the transactions, property, claim files, 29100
records, or papers of the bureau or in respect to the business or 29101
mechanical, chemical, or other industrial process of any company, 29102
firm, corporation, person, association, partnership, or public 29103
utility to any person other than the administrator or to the 29104
superior of such employee of the bureau. 29105

Notwithstanding the restrictions imposed by this section, the 29106
governor, select or standing committees of the general assembly, 29107
the auditor of state, the attorney general, or their designees, 29108
pursuant to the authority granted in this chapter and Chapter 29109
4121. of the Revised Code, may examine any records, claim files, 29110
or papers in possession of the industrial commission or the 29111
bureau. They also are bound by the privilege that attaches to 29112
these papers. 29113

The administrator shall report to the director of job and 29114
family services or to the county director of job and family 29115
services the name, address, and social security number or other 29116

identification number of any person receiving workers' 29117
compensation whose name or social security number or other 29118
identification number is the same as that of a person required by 29119
a court or child support enforcement agency to provide support 29120
payments to a recipient or participant of public assistance, and 29121
whose name is submitted to the administrator by the director under 29122
section 5101.36 of the Revised Code. The administrator also shall 29123
inform the director of the amount of workers' compensation paid to 29124
the person during such period as the director specifies. 29125

Within fourteen days after receiving from the director of job 29126
and family services a list of the names and social security 29127
numbers of recipients or participants of public assistance 29128
pursuant to section 5101.181 of the Revised Code, the 29129
administrator shall inform the auditor of state of the name, 29130
current or most recent address, and social security number of each 29131
person receiving workers' compensation pursuant to this chapter 29132
whose name and social security number are the same as that of a 29133
person whose name or social security number was submitted by the 29134
director. The administrator also shall inform the auditor of state 29135
of the amount of workers' compensation paid to the person during 29136
such period as the director specifies. 29137

The bureau and its employees, except for purposes of 29138
furnishing the auditor of state with information required by this 29139
section, shall preserve the confidentiality of recipients or 29140
participants of public assistance in compliance with division (A) 29141
of section 5101.181 of the Revised Code. 29142

For the purposes of this section, "public assistance" means 29143
medical assistance provided through the medical assistance program 29144
established under section 5111.01 of the Revised Code, Ohio works 29145
first provided under Chapter 5107. of the Revised Code, 29146
prevention, retention, and contingency benefits and services 29147
provided under Chapter 5108. of the Revised Code, ~~or~~ disability 29148

financial assistance provided under Chapter 5115. of the Revised 29149
Code, or disability medical assistance provided under Chapter 29150
5115. of the Revised Code. 29151

Sec. 4123.41. (A) By the first day of January of each year, 29152
the bureau of workers' compensation shall furnish to the county 29153
auditor of each county and the chief fiscal officer of each taxing 29154
district in a county and of each district activity and institution 29155
mentioned in section 4123.39 of the Revised Code forms containing 29156
the premium rates applicable to the county, district, district 29157
activity, or institution as an employer, on which to report the 29158
amount of money expended by the county, district, district 29159
activity, or institution during the previous twelve calendar 29160
months for the services of employees under this chapter. 29161

(B) Each county auditor and each fiscal officer of a 29162
district, district activity, and institution shall calculate on 29163
the form it receives from the bureau under division (A) of this 29164
section the premium due as its proper contribution to the public 29165
insurance fund and issue ~~his~~ a warrant in favor of the bureau for 29166
the amount due from the county, district, district activity, or 29167
institution to the public insurance fund according to the 29168
following schedule: 29169

(1) On or before the fifteenth day of May of each year, no 29170
less than forty-five per cent of the amount due; 29171

(2) On or before the first day of September of each year, no 29172
less than the total amount due. 29173

The legislative body of any county, district, district 29174
activity, or institution may reimburse the fund from which the 29175
contribution is made by transferring to the fund from any other 29176
fund of the county, district, district activity, or institution, 29177
the proportionate amount of the contribution that should be 29178
chargeable to the fund, whether the fund is derived from taxation 29179

or otherwise. The proportionate amount of the contribution 29180
chargeable to the fund may be based on payroll, relative exposure, 29181
relative loss experience, or any combination of these factors, as 29182
determined by the legislative body. A transfer made pursuant to 29183
division (B)(2) of this section is not subject to section 5705.16 29184
of the Revised Code. 29185

(C) The bureau may investigate the correctness of the 29186
information provided by the county auditor and chief fiscal 29187
officer under division (B) of this section, and if the bureau 29188
determines at any time that the county, district, district 29189
activity, or institution has not reported the correct information, 29190
the administrator of workers' compensation may make deductions or 29191
additions as the facts warrant and take those facts into 29192
consideration in determining the current or future contributions 29193
to be made by the county, district, district activity, or 29194
institution. If the county, district, district activity, or 29195
institution does not furnish the report in the time required by 29196
this section, the administrator may fix the amount of contribution 29197
the county, district, district activity, or institution must make 29198
and certify that amount for payment. 29199

(D) The administrator shall provide a discount to any county, 29200
district, district activity, or institution that pays its total 29201
amount due to the public insurance fund on or before the fifteenth 29202
day of May of each year as its proper contribution for premiums. 29203
The administrator shall base the discount provided under this 29204
division on the savings generated by the early payment to the 29205
public insurance fund. The administrator may provide the discount 29206
through a refund to the county, district, district activity, or 29207
institution or an offset against the future contributions due to 29208
the public insurance fund from the county, district, district 29209
activity, or institution. 29210

(E) The administrator may impose an interest penalty for late 29211

payment of any amount due from a county, district, district 29212
activity, and institution at the interest rate established by the 29213
state tax commissioner pursuant to section 5703.47 of the Revised 29214
Code. 29215

Sec. 4141.04. The director of job and family services shall 29216
maintain or ensure the existence of public employment offices that 29217
are free to the general public. These offices shall exist in such 29218
number and in such places as are necessary for the proper 29219
administration of this chapter, to perform such duties as are 29220
within the purview of the act of congress entitled "an act to 29221
provide for the establishment of a national employment system and 29222
for cooperation with the states in the promotion of such system, 29223
and for other purposes," approved June 6, 1933, as amended, which 29224
is known as the "Wagner-Peyser Act." The director shall cooperate 29225
with any official or agency of the United States having powers or 29226
duties under that act of congress and shall do and perform all 29227
things necessary to secure to this state the benefits of that act 29228
of congress in the promotion and maintenance of a system of public 29229
employment offices. That act of congress is hereby accepted by 29230
this state, in conformity with that act of congress and Title III 29231
of the "Social Security Act," and the "Federal Unemployment Tax 29232
Act," 26 U.S.C.A. 3301, as amended, and this state will observe 29233
and comply with the requirements thereof. The department of job 29234
and family services is hereby designated and constituted the 29235
agency of this state for the purposes of that act of congress. 29236

The director may cooperate with or enter into agreements with 29237
the railroad retirement board with respect to the establishment, 29238
maintenance, and use of employment service facilities that are 29239
free to the general public. 29240

All moneys received by this state under the act of congress 29241
known as the Wagner-Peyser Act shall be ~~paid~~ deposited into the 29242

state treasury to the credit of the special employment service 29243
account in the ~~unemployment compensation administration~~ federal 29244
operating fund, which is hereby created. Those moneys are hereby 29245
made available to the director to be expended as provided by this 29246
section and by that act of congress. For the purpose of 29247
establishing and maintaining public employment offices that are 29248
free to the general public, the director may enter into agreements 29249
with the railroad retirement board or any other agency of the 29250
United States charged with the administration of an unemployment 29251
compensation law, with any political subdivision of this state, or 29252
with any private, nonprofit organization and as a part of any such 29253
agreement the director may accept moneys, services, or quarters as 29254
a contribution to the employment service account. 29255

The director shall maintain labor market information and 29256
employment statistics as necessary for the administration of this 29257
chapter. 29258

The director shall appoint an employee of the department to 29259
serve as an ex officio member of the governor's council to 29260
maintain a liaison between the department and the governor's 29261
council on people with disabilities. 29262

Sec. 4141.09. (A) There is hereby created an unemployment 29263
compensation fund to be administered by the state without 29264
liability on the part of the state beyond the amounts paid into 29265
the fund and earned by the fund. The unemployment compensation 29266
fund shall consist of all contributions, payments in lieu of 29267
contributions described in sections 4141.241 and 4141.242 of the 29268
Revised Code, reimbursements of the federal share of extended 29269
benefits described in section 4141.301 of the Revised Code, 29270
collected under sections 4141.01 to 4141.46 of the Revised Code, 29271
together with all interest earned upon any moneys deposited with 29272
the secretary of the treasury of the United States to the credit 29273

of the account of this state in the unemployment trust fund 29274
established and maintained pursuant to section 904 of the "Social 29275
Security Act," any property or securities acquired through the use 29276
of moneys belonging to the fund, and all earnings of such property 29277
or securities. The unemployment compensation fund shall be used to 29278
pay benefits and refunds as provided by such sections and for no 29279
other purpose. 29280

(B) The treasurer of state shall be the custodian of the 29281
unemployment compensation fund and shall administer such fund in 29282
accordance with the directions of the director of job and family 29283
services. All disbursements therefrom shall be paid by the 29284
treasurer of state on warrants drawn by the director. Such 29285
warrants may bear the facsimile signature of the director printed 29286
thereon and that of a deputy or other employee of the director 29287
charged with the duty of keeping the account of the unemployment 29288
compensation fund and with the preparation of warrants for the 29289
payment of benefits to the persons entitled thereto. Moneys in the 29290
clearing and benefit accounts shall not be commingled with other 29291
state funds, except as provided in division (C) of this section, 29292
but shall be maintained in separate accounts on the books of the 29293
depository bank. Such money shall be secured by the depository 29294
bank to the same extent and in the same manner as required by 29295
sections 135.01 to 135.21 of the Revised Code; and collateral 29296
pledged for this purpose shall be kept separate and distinct from 29297
any collateral pledged to secure other funds of this state. All 29298
sums recovered for losses sustained by the unemployment 29299
compensation fund shall be deposited therein. The treasurer of 29300
state shall be liable on the treasurer's official bond for the 29301
faithful performance of the treasurer's duties in connection with 29302
the unemployment compensation fund, such liability to exist in 29303
addition to any liability upon any separate bond. 29304

(C) The treasurer of state shall maintain within the 29305

unemployment compensation fund three separate accounts which shall 29306
be a clearing account, an unemployment trust fund account, and a 29307
benefit account. All moneys payable to the unemployment 29308
compensation fund, upon receipt thereof by the director, shall be 29309
forwarded to the treasurer of state, who shall immediately deposit 29310
them in the clearing account. Refunds of contributions, or 29311
payments in lieu of contributions, payable pursuant to division 29312
(E) of this section may be paid from the clearing account upon 29313
warrants signed by a deputy or other employee of the director 29314
charged with the duty of keeping the record of the clearing 29315
account and with the preparation of warrants for the payment of 29316
refunds to persons entitled thereto. After clearance thereof, all 29317
moneys in the clearing account shall be deposited with the 29318
secretary of the treasury of the United States to the credit of 29319
the account of this state in the unemployment trust fund 29320
established and maintained pursuant to section 904 of the "Social 29321
Security Act," in accordance with requirements of the "Federal 29322
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 29323
3304(a)(3), any law in this state relating to the deposit, 29324
administration, release, or disbursement of moneys in the 29325
possession or custody of this state to the contrary 29326
notwithstanding. The benefit account shall consist of all moneys 29327
requisitioned from this state's account in the unemployment trust 29328
fund. Federal funds, other than funds received by the director 29329
under divisions (I) and (J) of this section, received for payment 29330
of federal benefits may be deposited into the benefit account 29331
solely for payment of benefits under a federal program 29332
administered by this state. Moneys so requisitioned shall be used 29333
solely for the payment of benefits and for no other purpose. 29334
Moneys in the clearing and benefit accounts may be deposited by 29335
the treasurer of state, under the direction of the director, in 29336
any bank or public depository in which general funds of the state 29337
may be deposited, but no public deposit insurance charge or 29338

premium shall be paid out of the fund. 29339

(D) Moneys shall be requisitioned from this state's account 29340
in the unemployment trust fund solely for the payment of benefits 29341
and in accordance with regulations prescribed by the director. The 29342
director shall requisition from the unemployment trust fund such 29343
amounts, not exceeding the amount standing to this state's account 29344
therein, as are deemed necessary for the payment of benefits for a 29345
reasonable future period. Upon receipt thereof, the treasurer of 29346
state shall deposit such moneys in the benefit account. 29347
Expenditures of such money in the benefit account and refunds from 29348
the clearing account shall not require specific appropriations or 29349
other formal release by state officers of money in their custody. 29350
Any balance of moneys requisitioned from the unemployment trust 29351
fund which remains unclaimed or unpaid in the benefit account 29352
after the expiration of the period for which such sums were 29353
requisitioned shall either be deducted from estimates for and may 29354
be utilized for the payment of benefits during succeeding periods, 29355
or, in the discretion of the director, shall be redeposited with 29356
the secretary of the treasury of the United States to the credit 29357
of this state's account in the unemployment trust fund, as 29358
provided in division (C) of this section. Unclaimed or unpaid 29359
federal funds redeposited with the secretary of the treasury of 29360
the United States shall be credited to the appropriate federal 29361
account. 29362

(E) No claim for an adjustment or a refund on contribution, 29363
payment in lieu of contributions, interest, or forfeiture alleged 29364
to have been erroneously or illegally assessed or collected, or 29365
alleged to have been collected without authority, and no claim for 29366
an adjustment or a refund of any sum alleged to have been 29367
excessive or in any manner wrongfully collected shall be allowed 29368
unless an application, in writing, therefor is made within four 29369
years from the date on which such payment was made. If the 29370

director ~~determins~~ determines that such contribution, payment in 29371
lieu of contributions, ~~interest~~ interest, or forfeiture, or any 29372
portion ~~thereof~~ thereof, was erroneously collected, the director 29373
shall allow such employer to make an adjustment thereof without 29374
interest in connection with subsequent contribution payments, or 29375
payments in lieu of contributions, by the employer, or the 29376
director may refund said amount, without interest, from the 29377
clearing account of the unemployment compensation fund, except as 29378
provided in division (B) of section 4141.11 of the Revised Code. 29379
For like cause and within the same period, adjustment or refund 29380
may be so made on the director's own initiative. An overpayment of 29381
contribution, payment in lieu of contributions, interest, or 29382
forfeiture for which an employer has not made application for 29383
refund prior to the date of sale of the employer's business shall 29384
accrue to the employer's successor in interest. 29385

An application for an adjustment or a refund, or any portion 29386
thereof, that is rejected is binding upon the employer unless, 29387
within thirty days after the mailing of a written notice of 29388
rejection to the employer's last known address, or, in the absence 29389
of mailing of such notice, within thirty days after the delivery 29390
of such notice, the employer files an application for a review and 29391
redetermination setting forth the reasons therefor. The director 29392
shall promptly examine the application for review and 29393
redetermination, and if a review is granted, the employer shall be 29394
promptly notified thereof, and shall be granted an opportunity for 29395
a prompt hearing. 29396

(F) If the director finds that contributions have been paid 29397
to the director in error, and that such contributions should have 29398
been paid to a department of another state or of the United States 29399
charged with the administration of an unemployment compensation 29400
law, the director may upon request by such department or upon the 29401
director's own initiative transfer to such department the amount 29402

of such contributions, less any benefits paid to claimants whose 29403
wages were the basis for such contributions. The director may 29404
request and receive from such department any contributions or 29405
adjusted contributions paid in error to such department which 29406
should have been paid to the director. 29407

(G) In accordance with section 303(c)(3) of the Social 29408
Security Act, and section 3304(a)(17) of the Internal Revenue Code 29409
of 1954 for continuing certification of Ohio unemployment 29410
compensation laws for administrative grants and for tax credits, 29411
any interest required to be paid on advances under Title XII of 29412
the Social Security Act shall be paid in a timely manner and shall 29413
not be paid, directly or indirectly, by an equivalent reduction in 29414
the Ohio unemployment taxes or otherwise, by the state from 29415
amounts in the unemployment compensation fund. 29416

(H) The treasurer of state, under the direction of the 29417
director and in accordance with the "Cash Management Improvement 29418
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 29419
amounts of interest earned by the state on funds in the benefit 29420
account established pursuant to division (C) of this section into 29421
the department of job and family services banking fees fund, which 29422
is hereby created in the state treasury for the purpose of paying 29423
related banking costs incurred by the state for the period for 29424
which the interest is calculated, except that if the deposited 29425
interest exceeds the banking costs incurred by the state for the 29426
period for which the interest is calculated, the treasurer of 29427
state shall deposit the excess interest into the unemployment 29428
trust fund. 29429

(I) The treasurer of state, under the direction of the 29430
director, shall deposit federal funds received by the director for 29431
the payment of benefits, job search, relocation, transportation, 29432
and subsistence allowances pursuant to the "Trade Act of 1974," 88 29433
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 29434

Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 29435
U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 29436
993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit 29437
account, which is hereby created for the purpose of ~~paying for~~ 29438
~~benefits, training, and support services~~ making payments specified 29439
under ~~that act~~ those acts. 29440

(J) The treasurer of state, under the direction of the 29441
director, shall deposit federal funds received by the director for 29442
training and administration pursuant to the "Trade Act of 1974," 29443
88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 29444
Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 29445
19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 29446
Stat. 993, 19 U.S.C.A. 3801, as amended, into the North American 29447
Free Trade Act training and administration account, which is 29448
hereby created for the purpose of ~~paying for benefits, training,~~ 29449
~~and support services~~ making payments specified under ~~that act~~ 29450
those acts. 29451

Sec. 4141.23. (A) Contributions shall accrue and become 29452
payable by each employer for each calendar year or other period as 29453
prescribed by this chapter. Such contributions become due and 29454
shall be paid by each employer to the director of job and family 29455
services for the unemployment compensation fund in accordance with 29456
such regulations as the director prescribes, and shall not be 29457
deducted, in whole or in part, from the remuneration of 29458
individuals in the employer's employ. 29459

In the payment of any contributions, a fractional part of a 29460
dollar may be disregarded unless it amounts to fifty cents or 29461
more, in which case it may be increased to the next higher dollar. 29462

(B)(1) Any contribution or payment in lieu of contribution, 29463
due from an employer on or before December 31, 1992, shall, if not 29464
paid when due, bear interest at the rate of ten per cent per 29465

annum. In such computation any fraction of a month shall be 29466
considered as a full month. 29467

(2) Any contribution, payment in lieu of contribution, 29468
interest, forfeiture, or fine due from an employer on or after 29469
January 1, 1993, shall, if not paid when due, bear interest at the 29470
annual rate of fourteen per cent compounded monthly on the 29471
aggregate receivable balance due. In such computation any fraction 29472
of a month shall be considered as a full month. 29473

(C) The director may waive the interest assessed under 29474
division (B)(2) of this section if the employer meets all of the 29475
following conditions within thirty days after the date the 29476
director mails or delivers the notice of assessment of interest: 29477

(1) Provides to the director a written request for a waiver 29478
of interest clearly demonstrating that the employer's failure to 29479
timely pay contributions, payments in lieu of contributions, 29480
interest, forfeiture, and fines was a result of circumstances 29481
beyond the control of the employer or the employer's agent, except 29482
that negligence on the part of the employer or the employer's 29483
agent shall not be considered beyond the control of the employer 29484
or the employer's agent; 29485

(2) Furnishes to the director all quarterly reports required 29486
under section 4141.20 of the Revised Code; 29487

(3) Pays in full all contributions, payments in lieu of 29488
contributions, interest, forfeiture, and fines for each quarter 29489
for which such payments are due. 29490

The director shall deny an employer's request for a waiver of 29491
interest after finding that the employer's failure to timely 29492
furnish reports or make payments as required under this chapter 29493
was due to an attempt to evade payment. 29494

(D) Any contribution, interest, forfeiture, or fine required 29495
to be paid under this chapter by any employer shall, if not paid 29496

when due, become a lien upon the real and personal property of 29497
such employer. Upon failure of such employer to pay the 29498
contributions, interest, forfeiture, or fine required to be paid 29499
under this chapter, the director shall file notice of such lien, 29500
for which there shall be no charge, in the office of the county 29501
recorder of the county in which it is ascertained that such 29502
employer owns real estate or personal property. The director shall 29503
notify the employer by mail of the lien. The absence of proof that 29504
the notice was sent does not affect the validity of the lien. Such 29505
lien shall not be valid as against the claim of any mortgagee, 29506
pledgee, purchaser, judgment creditor, or other lienholder of 29507
record at the time such notice is filed. 29508

If the employer acquires real or personal property after 29509
notice of lien is filed, such lien shall not be valid as against 29510
the claim of any mortgagee, pledgee, subsequent bona fide 29511
purchaser for value, judgment creditor, or other lienholder of 29512
record to such after-acquired property, unless the notice of lien 29513
is refiled after such property was acquired by the employer and 29514
before the competing lien attached to such after-acquired property 29515
or before the conveyance to such subsequent bona fide purchaser 29516
for value. 29517

Such notice shall be recorded in a book kept by the recorder 29518
called the "unemployment compensation lien record" and indexed 29519
therein in an alphabetical index under the name of such employer. 29520
When such unpaid contributions, interest, forfeiture, or fines 29521
have been paid, the employer may record with the recorder of the 29522
county in which such notice of lien has been filed and recorded, 29523
notice of such payment. For recording ~~such~~ the notice of payment 29524
the recorder shall charge and receive from the employer a base fee 29525
of two dollars for services and a housing trust fund fee of two 29526
dollars pursuant to section 317.36 of the Revised Code. 29527

(E) Notwithstanding other provisions in this section, the 29528

director may reduce, in whole or in part, the amount of interest, 29529
forfeiture, or fines required to be paid under this chapter if the 29530
director determines that the reduction is in the best interest of 29531
the unemployment compensation fund. 29532

(F) Assessment of contributions shall not be made after four 29533
years from the date on which such contributions became payable, 29534
and no action in court for the collection of contributions without 29535
assessment of such contributions shall be begun after the 29536
expiration of five years from the date such contributions became 29537
payable. In case of a false or fraudulent report or of a willful 29538
attempt in any manner to evade contributions, such contributions 29539
may be assessed or a proceeding in court for the collection of 29540
such contributions may be begun without assessment at any time. 29541
When the assessment of contributions has been made within such 29542
four-year period provided, action in court to collect such 29543
contributions may be begun within, but not later than, six years 29544
after such assessment. 29545

(G) In the event of a distribution of an employer's assets, 29546
pursuant to an order of any court under the law of this state, 29547
including any receivership, assignment for benefit of creditors, 29548
adjudicated insolvency, or similar proceedings, contributions, 29549
interest, forfeiture, or fine then or thereafter due have the same 29550
priority as provided by law for the payment of taxes due the state 29551
and shall be paid out of the trust fund in the same manner as 29552
provided for other claims for unpaid taxes due the state. 29553

(H) If the attorney general finds after investigation that 29554
any claim for delinquent contributions, interest, forfeitures, or 29555
fines owing to the director is uncollectible, in whole or in part, 29556
the attorney general shall recommend to the director the 29557
cancellation of such claim or any part thereof. The director may 29558
thereupon effect such cancellation. 29559

Sec. 4301.30. All fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township. An amount equal to fifty dollars for each fee received for a D-2 permit, which is not placed in operation immediately upon a D-3 permit premises, and twenty-five dollars for each fee received for a C-2 permit, shall be paid from the undivided liquor permit fund into the general revenue fund.

Prior to the fees received for a D-2 permit, which is not in operation immediately upon a D-3 permit premises, and a C-2 permit being paid into the general revenue fund, an amount equal to ~~twenty-one~~ thirty-two and one-half per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the department of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of alcohol and drug addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 3793. of the Revised Code, the department of alcohol and drug addiction services shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted thereunder.

The moneys remaining in the undivided liquor permit fund shall be distributed by the superintendent of liquor control at

quarterly calendar periods as follows: 29591

(A) To each municipal corporation, the aggregate amount shown 29592
by the statements to have been collected from permits therein, for 29593
the use of the general fund of the municipal corporation; 29594

(B) To each township, the aggregate amount shown by the 29595
statements to have been collected from permits in its territory, 29596
outside the limits of any municipal corporation located therein, 29597
for the use of the general fund of the township, or for fire 29598
protection purposes, including buildings and equipment in the 29599
township or in an established fire district within the township, 29600
to the extent that the funds are derived from liquor permits 29601
within the territory comprising such fire district. 29602

For the purpose of the distribution required by this section, 29603
E, H, and D permits covering boats or vessels are deemed to have 29604
been issued in the municipal corporation or township wherein the 29605
owner or operator of the vehicle, boat, vessel, or dining car 29606
equipment to which the permit relates has the owner's or 29607
operator's principal office or place of business within the state. 29608

Such distributions are subject to diminutions for refunds as 29609
prescribed in section 4301.41 of the Revised Code. If the liquor 29610
control commission is of the opinion that the police or other 29611
officers of any municipal corporation or township entitled to 29612
share in such distribution are refusing or culpably neglecting to 29613
enforce this chapter and Chapter 4303. of the Revised Code, or the 29614
penal laws of this state relating to the manufacture, importation, 29615
transportation, distribution, and sale of beer and intoxicating 29616
liquors, or if the prosecuting officer of a municipal corporation 29617
or the municipal court thereof fails to comply with the request of 29618
the commission authorized by division (A)(4) of section 4301.10 of 29619
the Revised Code, the commission by certified mail may notify the 29620
chief executive officer of the municipal corporation or the board 29621
of township trustees of the township of such failure and require 29622

the immediate cooperation of the responsible officers of the 29623
municipal corporation or township with the division of liquor 29624
control in the enforcement of such chapters and such penal laws. 29625
Within thirty days after the notice is served, the commission 29626
shall determine whether or not the requirement has been complied 29627
with. If the commission determines that the requirement has not 29628
been complied with, it may issue an order to the superintendent to 29629
withhold the distributive share of the municipal corporation or 29630
township until further order of the commission. This action of the 29631
commission is reviewable within thirty days thereafter in the 29632
court of common pleas of Franklin county. 29633

Sec. 4303.02. Permit A-1 may be issued to a manufacturer to 29634
manufacture beer and sell beer products in bottles or containers 29635
for home use and to retail and wholesale permit holders under 29636
rules promulgated by the division of liquor control. The fee for 29637
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 29638
dollars for each plant during the year covered by the permit. 29639

Sec. 4303.021. Permit A-1-A may be issued to the holder of an 29640
A-1 or A-2 permit to sell beer and any intoxicating liquor at 29641
retail, only by the individual drink in glass or from a container, 29642
provided such A-1-A permit premises are situated on the same 29643
parcel or tract of land as the related A-1 or A-2 manufacturing 29644
permit premises or are separated therefrom only by public streets 29645
or highways or by other lands owned by the holder of the A-1 or 29646
A-2 permit and used by the holder in connection with or in 29647
promotion of the holder's A-1 or A-2 permit business. The fee for 29648
this permit is three thousand ~~one~~ nine hundred ~~twenty-five~~ six 29649
dollars. The holder of an A-1-A permit may sell beer and any 29650
intoxicating liquor during the same hours as the holders of D-5 29651
permits under this chapter or Chapter 4301. of the Revised Code or 29652
the rules of the liquor control commission and shall obtain a 29653

license as a retail food establishment or a food service operation 29654
pursuant to Chapter 3717. of the Revised Code and operate as a 29655
restaurant for purposes of this chapter. 29656

Except as otherwise provided in this section, no new A-1-A 29657
permit shall be issued to the holder of an A-1 or A-2 permit 29658
unless the sale of beer and intoxicating liquor under class D 29659
permits is permitted in the precinct in which the A-1 or A-2 29660
permit is located and, in the case of an A-2 permit, unless the 29661
holder of the A-2 permit manufactures or has a storage capacity of 29662
at least twenty-five thousand gallons of wine per year. The 29663
immediately preceding sentence does not prohibit the issuance of 29664
an A-1-A permit to an applicant for such a permit who is the 29665
holder of an A-1 permit and whose application was filed with the 29666
division of liquor control before June 1, 1994. The liquor control 29667
commission shall not restrict the number of A-1-A permits which 29668
may be located within a precinct. 29669

Sec. 4303.03. Permit A-2 may be issued to a manufacturer to 29670
manufacture wine from grapes or other fruits grown in the state, 29671
if obtainable, otherwise to import such fruits after submitting an 29672
affidavit of nonavailability to the division of liquor control; to 29673
import and purchase wine in bond for blending purposes, the total 29674
amount of wine so imported during the year covered by the permit 29675
not to exceed forty per cent of all the wine manufactured and 29676
imported; to manufacture, purchase, and import brandy for 29677
fortifying purposes; and to sell such products either in glass or 29678
container for consumption on the premises where manufactured, for 29679
home use, and to retail and wholesale permit holders under such 29680
rules as are adopted by the division. 29681

The fee for this permit is ~~sixty-three~~ one hundred twenty-six 29682
dollars for each plant producing one hundred wine barrels, of 29683
fifty gallons each, or less annually. ~~Such~~ This initial fee shall 29684

be increased at the rate of ten cents per such barrel for all wine 29685
manufactured in excess of one hundred barrels during the year 29686
covered by the permit. 29687

Sec. 4303.04. Permit A-3 may be issued to a manufacturer to 29688
manufacture alcohol and spirituous liquor and sell such products 29689
to the division of liquor control or to the holders of a like 29690
permit or to the holders of A-4 permits for blending or 29691
manufacturing purposes; to import alcohol into this state upon 29692
such terms as are prescribed by the division; to sell alcohol to 29693
manufacturers, hospitals, infirmaries, medical or educational 29694
institutions using it for medicinal, mechanical, chemical, or 29695
scientific purposes, and to holders of I permits; to import into 29696
this state spirituous liquor and wine for blending or other 29697
manufacturing purposes; and to export spirituous liquor from this 29698
state for sale outside the state. 29699

The fee for this permit is three thousand ~~one~~ nine hundred 29700
~~twenty-five~~ six dollars for each plant; but, if a plant's 29701
production capacity is less than five hundred wine barrels of 29702
fifty gallons each, annually, the fee is two dollars per barrel. 29703

Sec. 4303.05. Permit A-4 may be issued to a manufacturer to 29704
manufacture prepared highballs, cocktails, cordials, and other 29705
mixed drinks containing not less than four per cent of alcohol by 29706
volume and not more than twenty-one per cent of alcohol by volume, 29707
and to sell such products to wholesale and retail permit holders 29708
in sealed containers only under such rules as are adopted by the 29709
division of liquor control. The holder of such permit may import 29710
into the state spirituous liquor and wine only for blending or 29711
other manufacturing purposes under such rules as are prescribed by 29712
the division. 29713

The holder of such permit may also purchase spirituous liquor 29714

for manufacturing and blending purposes from the holder of an A-3 29715
permit issued by the division. The formulas and the beverages 29716
manufactured by the holder of an A-4 permit ~~must~~ shall be 29717
submitted to the division for its analysis and approval before 29718
~~such~~ the beverages may be sold to or distributed in this state by 29719
holders of retail and wholesale permits. All labels and 29720
advertising matter used by the holders of ~~such~~ A-4 permits ~~must~~ 29721
shall be approved by the division before they may be used in this 29722
state. The fee for ~~this~~ an A-4 permit is three thousand ~~one~~ nine 29723
hundred ~~twenty-five~~ six dollars for each plant. 29724

Sec. 4303.06. Permit B-1 may be issued to a wholesale 29725
distributor of beer to purchase from the holders of A-1 permits 29726
and to import and distribute or sell beer for home use and to 29727
retail permit holders under rules adopted by the division of 29728
liquor control. The fee for this permit is ~~two~~ three thousand ~~five~~ 29729
one hundred ~~twenty-five~~ dollars for each distributing plant or 29730
warehouse during the year covered by the permit. 29731

Sec. 4303.07. Permit B-2 may be issued to a wholesale 29732
distributor of wine to purchase from holders of A-2 and B-5 29733
permits and distribute or sell such product, in the original 29734
container in which it was placed by the B-5 permit holder or 29735
manufacturer at the place where manufactured, to A-1-A, C-2, D-2, 29736
D-3, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 29737
D-5h, D-5i, D-5j, D-5k, and E permit holders, and for home use. 29738
The fee for this permit is ~~two~~ five hundred ~~fifty~~ dollars for each 29739
distributing plant or warehouse. The initial fee shall be 29740
increased ten cents per wine barrel of fifty gallons for all wine 29741
distributed and sold in this state in excess of twelve hundred 29742
fifty such barrels during the year covered by the permit. 29743

Sec. 4303.08. Permit B-3 may be issued to a wholesale 29744

distributor of wine to bottle, distribute, or sell sacramental 29745
wine for religious rites upon an application signed, dated, and 29746
approved as required by section 4301.23 of the Revised Code. The 29747
fee for this permit is ~~sixty-two~~ one hundred twenty-four dollars. 29748

Sec. 4303.09. Permit B-4 may be issued to a wholesale 29749
distributor to purchase from the holders of A-4 permits and to 29750
import, distribute, and sell prepared and bottled highballs, 29751
cocktails, cordials, and other mixed beverages containing not less 29752
than four per cent of alcohol by volume and not more than 29753
twenty-one per cent of alcohol by volume to retail permit holders, 29754
and for home use, under ~~such~~ rules ~~as are~~ adopted by the division 29755
of liquor control. The formula and samples of all such beverages 29756
to be handled by the permit holder ~~must~~ shall be submitted to the 29757
division for analysis and the approval of the division before such 29758
beverages may be sold and distributed in this state. All labels 29759
and advertising matter used by the holders of ~~such permits must~~ 29760
this permit shall be approved by the division before they may be 29761
used in this state. The fee for this permit shall be computed on 29762
the basis of annual sales, and the initial fee is ~~two~~ five hundred 29763
~~fifty~~ dollars for each distributing plant or warehouse. ~~Such~~ The 29764
initial fee shall be increased at the rate of ten cents per wine 29765
barrel of fifty gallons for all such beverages distributed and 29766
sold in this state in excess of one thousand such barrels during 29767
the year covered by the permit. 29768

Sec. 4303.10. Permit B-5 may be issued to a wholesale 29769
distributor of wine to purchase wine from the holders of A-2 29770
permits, to purchase and import wine in bond or otherwise, in bulk 29771
or in containers of any size, and to bottle wine for distribution 29772
and sale to holders of A-1-A, B-2, B-3, B-5, C-2, D-2, D-3, D-4, 29773
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 29774
D-5j, D-5k, and E permits and for home use in sealed containers. 29775

No wine shall be bottled by a B-5 permit holder in containers 29776
supplied by any person who intends the wine for home use. The fee 29777
for this permit is one thousand ~~two~~ five hundred ~~fifty~~ sixty-three 29778
dollars. 29779

Sec. 4303.11. Permit C-1 may be issued to the owner or 29780
operator of a retail store to sell beer in containers and not for 29781
consumption on the premises where sold in original containers 29782
having a capacity of not more than five and one-sixth gallons. The 29783
fee for this permit is ~~one~~ two hundred ~~twenty-six~~ fifty-two 29784
dollars for each location. 29785

Sec. 4303.12. Permit C-2 may be issued to the owner or 29786
operator of a retail store to sell wine in sealed containers only 29787
and not for consumption on the premises where sold in original 29788
containers. The holder of ~~such~~ this permit may also sell and 29789
distribute in original packages and not for consumption on the 29790
premises where sold or for resale, prepared and bottled highballs, 29791
cocktails, cordials, and other mixed beverages manufactured and 29792
distributed by holders of A-4 and B-4 permits, and containing not 29793
less than four per cent of alcohol by volume, and not more than 29794
twenty-one per cent of alcohol by volume. The fee for this permit 29795
is ~~one~~ three hundred ~~eighty-eight~~ seventy-six dollars for each 29796
location. 29797

Sec. 4303.121. Effective October 1, 1982, permit C-2x shall 29798
be issued to the holder of a C-2 permit who does not also hold a 29799
C-1 permit, to sell beer only not for consumption on the premises 29800
where sold, in original containers having a capacity of not more 29801
than five and one-sixth gallons. Applicants for a C-2 permit as of 29802
October 1, 1982 shall be issued a C-2x permit subject to the 29803
restrictions for the issuance of the C-2 permit. The fee for a 29804
C-2x permit is ~~one~~ two hundred ~~twenty-six~~ fifty-two dollars. 29805

Sec. 4303.13. Permit D-1 may be issued to the owner or 29806
operator of a hotel ~~or~~ of a retail food establishment or a food 29807
service operation licensed pursuant to Chapter 3717. of the 29808
Revised Code that operates as a restaurant for purposes of this 29809
chapter, or of a club, amusement park, drugstore, lunch stand, 29810
boat, or vessel, ~~and shall be issued to a person described in~~ 29811
~~division (B) of this section,~~ to sell beer at retail either in 29812
glass or container, for consumption on the premises where sold; 29813
~~and, except as otherwise provided in division (B) of this section,~~ 29814
to sell beer at retail in other receptacles or in original 29815
containers having a capacity of not more than five and one-sixth 29816
gallons not for consumption on the premises where sold. The fee 29817
for this permit is ~~one~~ three hundred ~~eighty-eight~~ seventy-six 29818
dollars for each location, boat, or vessel. 29819

Sec. 4303.14. Permit D-2 may be issued to the owner or 29820
operator of a hotel ~~or~~ of a retail food establishment or a food 29821
service operation licensed pursuant to Chapter 3717. of the 29822
Revised Code that operates as a restaurant for purposes of this 29823
chapter, or of a club, boat, or vessel, to sell wine and prepared 29824
and bottled cocktails, cordials, and other mixed beverages 29825
manufactured and distributed by holders of A-4 and B-4 permits at 29826
retail, either in glass or container, for consumption on the 29827
premises where sold. The holder of ~~such~~ this permit may also sell 29828
wine and prepared and bottled cocktails, cordials, and other mixed 29829
beverages in original packages and not for consumption on the 29830
premises where sold or for resale. The fee for this permit is ~~two~~ 29831
five hundred ~~eighty-two~~ sixty-four dollars for each location, 29832
boat, or vessel. 29833

Sec. 4303.141. Effective October 1, 1982, permit D-2x shall 29834
be issued to the holder of a D-2 permit who does not also hold a 29835

D-1 permit, to sell beer at retail either in glass or container 29836
for consumption on the premises where sold and to sell beer at 29837
retail in other receptacles or original containers having a 29838
capacity of not more than five and one-sixth gallons not for 29839
consumption on the premises where sold. Applicants for a D-2 29840
permit as of October 1, 1982, shall be issued a D-2x permit 29841
subject to the quota restrictions for the issuance of the D-2 29842
permit. The fee for a D-2x permit is ~~one~~ three hundred 29843
~~eighty-eight~~ seventy-six dollars. 29844

Sec. 4303.15. Permit D-3 may be issued to the owner or 29845
operator of a hotel ~~or~~ of a retail food establishment or a food 29846
service operation licensed pursuant to Chapter 3717. of the 29847
Revised Code that operates as a restaurant for purposes of this 29848
chapter, or of a club, boat, or vessel, to sell spirituous liquor 29849
at retail, only by the individual drink in glass or from the 29850
container, for consumption on the premises where sold. No sales of 29851
intoxicating liquor shall be made by a holder of a D-3 permit 29852
after one a.m. The fee for this permit is ~~six~~ seven hundred fifty 29853
dollars for each location, boat, or vessel. 29854

Sec. 4303.151. On October 1, 1982, permit D-3x shall be 29855
issued to the holder of a D-3 permit, to sell wine by the 29856
individual drink in glass or from the container, for consumption 29857
on the premises where sold. Applications for a D-3 permit on 29858
October 1, 1982, may be issued a D-3x permit subject to the quota 29859
restrictions for the issuance of a D-3 permit. The fee for a D-3x 29860
permit is ~~one~~ three hundred fifty dollars. 29861

Sec. 4303.16. Permit D-3a may be issued to the holder of a 29862
D-3 permit whenever ~~his~~ the holder's place of business is operated 29863
after one a.m. and spirituous liquor is sold or consumed after 29864
~~such~~ that hour. The holder of such permit may sell spirituous 29865

liquor during the same hours as the holders of D-5 permits under 29866
this chapter and Chapter 4301. of the Revised Code or the rules of 29867
the liquor control commission. The fee for a D-3a permit is ~~seven~~ 29868
nine hundred ~~fifty~~ thirty-eight dollars in addition to the fee 29869
required for a D-3 permit. 29870

If the holder of a D-3a permit is also the holder of a D-1 29871
permit, ~~he~~ the holder may sell beer after one a.m. and during the 29872
same hours as the holder of a D-5 permit. If the holder of a D-3a 29873
permit is also the holder of a D-2 permit, ~~he~~ the holder may sell 29874
intoxicating liquor after one a.m. and during the same hours as 29875
the holder of a D-5 permit. The holder of a D-3a permit may 29876
furnish music and entertainment to ~~his~~ the holder's patrons, 29877
subject to the same rules as govern D-5 permit holders. 29878

Sec. 4303.17. Permit D-4 may be issued to a club ~~which~~ that 29879
has been in existence for three years or more prior to the 29880
issuance of ~~such~~ the permit to sell beer and any intoxicating 29881
liquor to its members only, in glass or container, for consumption 29882
on the premises where sold. The fee for this permit is ~~three~~ four 29883
hundred ~~seventy-five~~ sixty-nine dollars. No such permit shall be 29884
granted or retained until all elected officers of such 29885
organization controlling such club have filed with the division of 29886
liquor control a statement certifying that such club is operated 29887
in the interest of the membership of a reputable organization, 29888
which is maintained by a dues paying membership, setting forth the 29889
amount of initiation fee and yearly dues. All such matters shall 29890
be contained in a statement signed under oath and accompanied by a 29891
surety bond in the sum of one thousand dollars. Such bond shall be 29892
declared forfeited in the full amount of the penal sum of the bond 29893
for any false statement contained in such certificate and the 29894
surety shall pay the amount of the bond to the division. The 29895
roster of membership of a D-4 permit holder shall be submitted 29896
under oath on the request of the superintendent of liquor control. 29897

Any information acquired by the superintendent or the division 29898
with respect to such membership shall not be open to public 29899
inspection or examination and may be divulged by the 29900
superintendent and the division only in hearings before the liquor 29901
control commission or in a court action in which the division or 29902
the superintendent is named a party. 29903

The requirement that a club shall have been in existence for 29904
three years in order to qualify for a D-4 permit does not apply to 29905
units of organizations chartered by congress or to a subsidiary 29906
unit of a national fraternal organization if the parent 29907
organization has been in existence for three years or more at the 29908
time application for a permit is made by such unit. 29909

No rule or order of the division or commission shall prohibit 29910
a charitable organization that holds a D-4 permit from selling or 29911
serving beer or intoxicating liquor under its permit in a portion 29912
of its premises merely because that portion of its premises is 29913
used at other times for the conduct of a charitable bingo game. 29914
However, such an organization shall not sell or serve beer or 29915
intoxicating liquor or permit beer or intoxicating liquor to be 29916
consumed or seen in the same location in its premises where a 29917
charitable bingo game is being conducted while the game is being 29918
conducted. As used in this section, "charitable organization" ~~has~~ 29919
~~the same meaning as in division (H) of section 2915.01 and~~ 29920
"charitable bingo game" ~~has~~ have the same ~~meaning~~ meanings as in 29921
~~division (R) of section 2915.01 of the Revised Code.~~ 29922

Sec. 4303.171. Permit D-4a may be issued to an airline 29923
company ~~which~~ that leases and operates a premises exclusively for 29924
the benefit of the members and their guests of a private club 29925
sponsored by the airline company, at a publicly owned airport, as 29926
defined in section 4563.01 of the Revised Code, at which 29927
commercial airline companies operate regularly scheduled flights 29928

on which space is available to the public, to sell beer and any 29929
intoxicating liquor to members of the private club and their 29930
guests, only by the individual drink in glass and from the 29931
container, for consumption on the premises where sold. In addition 29932
to the privileges authorized in this section, the holder of a D-4a 29933
permit may exercise the same privileges as a holder of a D-4 29934
permit. The holder of a D-4a permit shall make no sales of beer or 29935
intoxicating liquor after two-thirty a.m. 29936

A D-4a permit shall not be transferred to another location. 29937
No quota restriction shall be placed upon the number of such 29938
permits which may be issued. 29939

The fee for this permit is ~~six~~ seven hundred fifty dollars. 29940

Sec. 4303.18. Permit D-5 may be issued to the owner or 29941
operator of a retail food establishment or a food service 29942
operation licensed pursuant to Chapter 3717. of the Revised Code 29943
that operates as a restaurant or night club for purposes of this 29944
chapter, to sell beer and any intoxicating liquor at retail, only 29945
by the individual drink in glass and from the container, for 29946
consumption on the premises where sold, and to sell the same 29947
products in the same manner and amounts not for consumption on the 29948
premises as may be sold by holders of D-1 and D-2 permits. A 29949
person who is the holder of both a D-3 and D-3a permit need not 29950
obtain a D-5 permit. The fee for this permit is ~~one~~ two thousand 29951
~~eight~~ three hundred ~~seventy-five~~ forty-four dollars. 29952

Sec. 4303.181. (A) Permit D-5a may be issued either to the 29953
owner or operator of a hotel or motel that is required to be 29954
licensed under section 3731.03 of the Revised Code, that contains 29955
at least fifty rooms for registered transient guests, and that 29956
qualifies under the other requirements of this section, or to the 29957
owner or operator of a restaurant specified under this section, to 29958

sell beer and any intoxicating liquor at retail, only by the 29959
individual drink in glass and from the container, for consumption 29960
on the premises where sold, and to registered guests in their 29961
rooms, which may be sold by means of a controlled access alcohol 29962
and beverage cabinet in accordance with division (B) of section 29963
4301.21 of the Revised Code; and to sell the same products in the 29964
same manner and amounts not for consumption on the premises as may 29965
be sold by holders of D-1 and D-2 permits. The premises of the 29966
hotel or motel shall include a retail food establishment or a food 29967
service operation licensed pursuant to Chapter 3717. of the 29968
Revised Code that operates as a restaurant for purposes of this 29969
chapter and that is affiliated with the hotel or motel and within 29970
or contiguous to the hotel or motel, and that serves food within 29971
the hotel or motel, but the principal business of the owner or 29972
operator of the hotel or motel shall be the accommodation of 29973
transient guests. In addition to the privileges authorized in this 29974
division, the holder of a D-5a permit may exercise the same 29975
privileges as the holder of a D-5 permit. 29976

The owner or operator of a hotel, motel, or restaurant who 29977
qualified for and held a D-5a permit on August 4, 1976, may, if 29978
the owner or operator held another permit before holding a D-5a 29979
permit, either retain a D-5a permit or apply for the permit 29980
formerly held, and the division of liquor control shall issue the 29981
permit for which the owner or operator applies and formerly held, 29982
notwithstanding any quota. 29983

A D-5a permit shall not be transferred to another location. 29984
No quota restriction shall be placed on the number of such permits 29985
that may be issued. 29986

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 29987
hundred ~~seventy-five~~ forty-four dollars. 29988

(B) Permit D-5b may be issued to the owner, operator, tenant, 29989
lessee, or occupant of an enclosed shopping center to sell beer 29990

and intoxicating liquor at retail, only by the individual drink in 29991
glass and from the container, for consumption on the premises 29992
where sold; and to sell the same products in the same manner and 29993
amount not for consumption on the premises as may be sold by 29994
holders of D-1 and D-2 permits. In addition to the privileges 29995
authorized in this division, the holder of a D-5b permit may 29996
exercise the same privileges as a holder of a D-5 permit. 29997

A D-5b permit shall not be transferred to another location. 29998

One D-5b permit may be issued at an enclosed shopping center 29999
containing at least two hundred twenty-five thousand, but less 30000
than four hundred thousand, square feet of floor area. 30001

Two D-5b permits may be issued at an enclosed shopping center 30002
containing at least four hundred thousand square feet of floor 30003
area. No more than one D-5b permit may be issued at an enclosed 30004
shopping center for each additional two hundred thousand square 30005
feet of floor area or fraction of that floor area, up to a maximum 30006
of five D-5b permits for each enclosed shopping center. The number 30007
of D-5b permits that may be issued at an enclosed shopping center 30008
shall be determined by subtracting the number of D-3 and D-5 30009
permits issued in the enclosed shopping center from the number of 30010
D-5b permits that otherwise may be issued at the enclosed shopping 30011
center under the formulas provided in this division. Except as 30012
provided in this section, no quota shall be placed on the number 30013
of D-5b permits that may be issued. Notwithstanding any quota 30014
provided in this section, the holder of any D-5b permit first 30015
issued in accordance with this section is entitled to its renewal 30016
in accordance with section 4303.271 of the Revised Code. 30017

The holder of a D-5b permit issued before April 4, 1984, 30018
whose tenancy is terminated for a cause other than nonpayment of 30019
rent, may return the D-5b permit to the division of liquor 30020
control, and the division shall cancel that permit. Upon 30021
cancellation of that permit and upon the permit holder's payment 30022

of taxes, contributions, premiums, assessments, and other debts 30023
owing or accrued upon the date of cancellation to this state and 30024
its political subdivisions and a filing with the division of a 30025
certification of that payment, the division shall issue to that 30026
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 30027
that person requests. The division shall issue the D-5 permit, or 30028
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 30029
D-3, or D-5 permits currently issued in the municipal corporation 30030
or in the unincorporated area of the township where that person's 30031
proposed premises is located equals or exceeds the maximum number 30032
of such permits that can be issued in that municipal corporation 30033
or in the unincorporated area of that township under the 30034
population quota restrictions contained in section 4303.29 of the 30035
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 30036
be transferred to another location. If a D-5b permit is canceled 30037
under the provisions of this paragraph, the number of D-5b permits 30038
that may be issued at the enclosed shopping center for which the 30039
D-5b permit was issued, under the formula provided in this 30040
division, shall be reduced by one if the enclosed shopping center 30041
was entitled to more than one D-5b permit under the formula. 30042

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 30043
hundred ~~seventy-five~~ forty-four dollars. 30044

(C) Permit D-5c may be issued to the owner or operator of a 30045
retail food establishment or a food service operation licensed 30046
pursuant to Chapter 3717. of the Revised Code that operates as a 30047
restaurant for purposes of this chapter and that qualifies under 30048
the other requirements of this section to sell beer and any 30049
intoxicating liquor at retail, only by the individual drink in 30050
glass and from the container, for consumption on the premises 30051
where sold, and to sell the same products in the same manner and 30052
amounts not for consumption on the premises as may be sold by 30053
holders of D-1 and D-2 permits. In addition to the privileges 30054

authorized in this division, the holder of a D-5c permit may 30055
exercise the same privileges as the holder of a D-5 permit. 30056

To qualify for a D-5c permit, the owner or operator of a 30057
retail food establishment or a food service operation licensed 30058
pursuant to Chapter 3717. of the Revised Code that operates as a 30059
restaurant for purposes of this chapter, shall have operated the 30060
restaurant at the proposed premises for not less than twenty-four 30061
consecutive months immediately preceding the filing of the 30062
application for the permit, have applied for a D-5 permit no later 30063
than December 31, 1988, and appear on the division's quota waiting 30064
list for not less than six months immediately preceding the filing 30065
of the application for the permit. In addition to these 30066
requirements, the proposed D-5c permit premises shall be located 30067
within a municipal corporation and further within an election 30068
precinct that, at the time of the application, has no more than 30069
twenty-five per cent of its total land area zoned for residential 30070
use. 30071

A D-5c permit shall not be transferred to another location. 30072
No quota restriction shall be placed on the number of such permits 30073
that may be issued. 30074

Any person who has held a D-5c permit for at least two years 30075
may apply for a D-5 permit, and the division of liquor control 30076
shall issue the D-5 permit notwithstanding the quota restrictions 30077
contained in section 4303.29 of the Revised Code or in any rule of 30078
the liquor control commission. 30079

The fee for this permit is one thousand ~~two~~ five hundred 30080
~~fifty~~ sixty-three dollars. 30081

(D) Permit D-5d may be issued to the owner or operator of a 30082
retail food establishment or a food service operation licensed 30083
pursuant to Chapter 3717. of the Revised Code that operates as a 30084
restaurant for purposes of this chapter and that is located at an 30085

airport operated by a board of county commissioners pursuant to 30086
section 307.20 of the Revised Code, at an airport operated by a 30087
port authority pursuant to Chapter 4582. of the Revised Code, or 30088
at an airport operated by a regional airport authority pursuant to 30089
Chapter 308. of the Revised Code. The holder of a D-5d permit may 30090
sell beer and any intoxicating liquor at retail, only by the 30091
individual drink in glass and from the container, for consumption 30092
on the premises where sold, and may sell the same products in the 30093
same manner and amounts not for consumption on the premises where 30094
sold as may be sold by the holders of D-1 and D-2 permits. In 30095
addition to the privileges authorized in this division, the holder 30096
of a D-5d permit may exercise the same privileges as the holder of 30097
a D-5 permit. 30098

A D-5d permit shall not be transferred to another location. 30099
No quota restrictions shall be placed on the number of such 30100
permits that may be issued. 30101

The fee for this permit is ~~one~~ two thousand ~~eight~~ three 30102
hundred ~~seventy-five~~ forty-four dollars. 30103

(E) Permit D-5e may be issued to any nonprofit organization 30104
that is exempt from federal income taxation under the "Internal 30105
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 30106
amended, or that is a charitable organization under any chapter of 30107
the Revised Code, and that owns or operates a riverboat that meets 30108
all of the following: 30109

(1) Is permanently docked at one location; 30110

(2) Is designated as an historical riverboat by the Ohio 30111
historical society; 30112

(3) Contains not less than fifteen hundred square feet of 30113
floor area; 30114

(4) Has a seating capacity of fifty or more persons. 30115

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is ~~nine~~ one thousand two hundred ~~seventy five~~ nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative

authority that the issuance of the D-5f permit is not inconsistent 30146
with that political subdivision's comprehensive development plan 30147
or other economic development goal as officially established by 30148
the local legislative authority. 30149

The holder of a D-5f permit may sell beer and intoxicating 30150
liquor at retail, only by the individual drink in glass and from 30151
the container, for consumption on the premises where sold. 30152

A D-5f permit shall not be transferred to another location. 30153

The division of liquor control shall not issue a D-5f permit 30154
if the permit premises or proposed permit premises are located 30155
within an area in which the sale of spirituous liquor by the glass 30156
is prohibited. 30157

A fee for this permit is ~~one two~~ thousand ~~eight three~~ hundred 30158
~~seventy-five~~ forty-four dollars. 30159

As used in this division, "navigable river" means a river 30160
that is also a "navigable water" as defined in the "Federal Power 30161
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 30162

(G) Permit D-5g may be issued to a nonprofit corporation that 30163
is either the owner or the operator of a national professional 30164
sports museum. The holder of a D-5g permit may sell beer and any 30165
intoxicating liquor at retail, only by the individual drink in 30166
glass and from the container, for consumption on the premises 30167
where sold. The holder of a D-5g permit shall sell no beer or 30168
intoxicating liquor for consumption on the premises where sold 30169
after one a.m. A D-5g permit shall not be transferred to another 30170
location. No quota restrictions shall be placed on the number of 30171
D-5g permits that may be issued. The fee for this permit is one 30172
thousand ~~five~~ eight hundred seventy-five dollars. 30173

(H) Permit D-5h may be issued to any nonprofit organization 30174
that is exempt from federal income taxation under the "Internal 30175
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 30176

amended, that owns or operates a fine arts museum and has no less 30177
than five thousand bona fide members possessing full membership 30178
privileges. The holder of a D-5h permit may sell beer and any 30179
intoxicating liquor at retail, only by the individual drink in 30180
glass and from the container, for consumption on the premises 30181
where sold. The holder of a D-5h permit shall sell no beer or 30182
intoxicating liquor for consumption on the premises where sold 30183
after one a.m. A D-5h permit shall not be transferred to another 30184
location. No quota restrictions shall be placed on the number of 30185
D-5h permits that may be issued. The fee for this permit is one 30186
thousand ~~five~~ eight hundred seventy-five dollars. 30187

(I) Permit D-5i may be issued to the owner or operator of a 30188
retail food establishment or a food service operation licensed 30189
under Chapter 3717. of the Revised Code that operates as a 30190
restaurant for purposes of this chapter and that meets all of the 30191
following requirements: 30192

(1) It is located in a municipal corporation or a township 30193
with a population of fifty thousand or less. 30194

(2) It has inside seating capacity for at least one hundred 30195
forty persons. 30196

(3) It has at least four thousand square feet of floor area. 30197

(4) It offers full-course meals, appetizers, and sandwiches. 30198

(5) Its receipts from beer and liquor sales do not exceed 30199
twenty-five per cent of its total gross receipts. 30200

(6) The value of its real and personal property exceeds seven 30201
hundred twenty-five thousand dollars. 30202

The holder of a D-5i permit shall cause an independent audit 30203
to be performed at the end of one full year of operation following 30204
issuance of the permit in order to verify the requirements of 30205
division (I)(5) of this section. The results of the independent 30206

audit shall be transmitted to the division. Upon determining that 30207
the receipts of the holder from beer and liquor sales exceeded 30208
twenty-five per cent of its total gross receipts, the division 30209
shall suspend the permit of the permit holder under section 30210
4301.25 of the Revised Code and may allow the permit holder to 30211
elect a forfeiture under section 4301.252 of the Revised Code. 30212

The holder of a D-5i permit may sell beer and any 30213
intoxicating liquor at retail, only by the individual drink in 30214
glass and from the container, for consumption on the premises 30215
where sold, and may sell the same products in the same manner and 30216
amounts not for consumption on the premises where sold as may be 30217
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 30218
permit shall sell no beer or intoxicating liquor for consumption 30219
on the premises where sold after two-thirty a.m. In addition to 30220
the privileges authorized in this division, the holder of a D-5i 30221
permit may exercise the same privileges as the holder of a D-5 30222
permit. 30223

A D-5i permit shall not be transferred to another location. 30224
The division of liquor control shall not renew a D-5i permit 30225
unless the food service operation for which it is issued continues 30226
to meet the requirements described in divisions (I)(1) to (6) of 30227
this section. No quota restrictions shall be placed on the number 30228
of D-5i permits that may be issued. The fee for this permit is ~~one~~ 30229
two thousand eight ~~three~~ hundred ~~seventy-five~~ forty-four dollars. 30230

(J)(1) Permit D-5j may be issued to the owner or the operator 30231
of a retail food establishment or a food service operation 30232
licensed under Chapter 3717. of the Revised Code to sell beer and 30233
intoxicating liquor at retail, only by the individual drink in 30234
glass and from the container, for consumption on the premises 30235
where sold and to sell beer and intoxicating liquor in the same 30236
manner and amounts not for consumption on the premises where sold 30237
as may be sold by the holders of D-1 and D-2 permits. The holder 30238

of a D-5j permit may exercise the same privileges, and shall 30239
observe the same hours of operation, as the holder of a D-5 30240
permit. 30241

(2) The D-5j permit shall be issued only within a community 30242
entertainment district that is designated under section 4301.80 of 30243
the Revised Code and that is located in a municipal corporation 30244
with a population of at least one hundred thousand. 30245

(3) The location of a D-5j permit may be transferred only 30246
within the geographic boundaries of the community entertainment 30247
district in which it was issued and shall not be transferred 30248
outside the geographic boundaries of that district. 30249

(4) Not more than one D-5j permit shall be issued within each 30250
community entertainment district for each five acres of land 30251
located within the district. Not more than fifteen D-5j permits 30252
may be issued within a single community entertainment district. 30253
Except as otherwise provided in division (J)(4) of this section, 30254
no quota restrictions shall be placed upon the number of D-5j 30255
permits that may be issued. 30256

(5) The fee for a D-5j permit is ~~one~~ two thousand ~~eight~~ three 30257
hundred ~~seventy-five~~ forty-four dollars. 30258

(K)(1) Permit D-5k may be issued to any nonprofit 30259
organization that is exempt from federal income taxation under the 30260
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 30261
501(c)(3), as amended, that is the owner or operator of a 30262
botanical garden recognized by the American association of 30263
botanical gardens and arboreta, and that has not less than 30264
twenty-five hundred bona fide members. 30265

(2) The holder of a D-5k permit may sell beer and any 30266
intoxicating liquor at retail, only by the individual drink in 30267
glass and from the container, on the premises where sold. 30268

(3) The holder of a D-5k permit shall sell no beer or 30269

intoxicating liquor for consumption on the premises where sold 30270
after one a.m. 30271

(4) A D-5k permit shall not be transferred to another 30272
location. 30273

(5) No quota restrictions shall be placed on the number of 30274
D-5k permits that may be issued. 30275

(6) The fee for the D-5k permit is one thousand ~~five~~ eight 30276
hundred seventy-five dollars. 30277

Sec. 4303.182. (A) Except as otherwise provided in divisions 30278
(B) to (G) of this section, permit D-6 shall be issued to the 30279
holder of an A-1-A, A-2, C-2, D-2, D-3, D-4, D-4a, D-5, D-5a, 30280
D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 30281
permit to allow sale under that permit between the hours of ten 30282
a.m. and midnight, or between the hours of one p.m. and midnight, 30283
on Sunday, as applicable, if that sale has been authorized under 30284
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 30285
Code and under the restrictions of that authorization. 30286

(B) Permit D-6 shall be issued to the holder of any permit, 30287
including a D-4a and D-5d permit, authorizing the sale of 30288
intoxicating liquor issued for a premises located at any publicly 30289
owned airport, as defined in section 4563.01 of the Revised Code, 30290
at which commercial airline companies operate regularly scheduled 30291
flights on which space is available to the public, to allow sale 30292
under such permit between the hours of ten a.m. and midnight on 30293
Sunday, whether or not that sale has been authorized under section 30294
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 30295

(C) Permit D-6 shall be issued to the holder of a D-5a 30296
permit, and to the holder of a D-3 or D-3a permit who is the owner 30297
or operator of a hotel or motel that is required to be licensed 30298
under section 3731.03 of the Revised Code, that contains at least 30299

fifty rooms for registered transient guests, and that has on its premises a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and is affiliated with the hotel or motel and within or contiguous to the hotel or motel and serving food within the hotel or motel, to allow sale under such permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(D) The holder of a D-6 permit that is issued to a sports facility may make sales under the permit between the hours of eleven a.m. and midnight on any Sunday on which a professional baseball, basketball, football, hockey, or soccer game is being played at the sports facility. As used in this division, "sports facility" means a stadium or arena that has a seating capacity of at least four thousand and that is owned or leased by a professional baseball, basketball, football, hockey, or soccer franchise or any combination of those franchises.

(E) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of beer or intoxicating liquor and that is issued to a premises located in or at the Ohio historical society area or the state fairgrounds, as defined in division (B) of section 4301.40 of the Revised Code, to allow sale under that permit between the hours of ten a.m. and midnight on Sunday, whether or not that sale has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

(F) Permit D-6 shall be issued to the holder of any permit that authorizes the sale of intoxicating liquor and that is issued to an outdoor performing arts center to allow sale under that permit between the hours of one p.m. and midnight on Sunday, whether or not that sale has been authorized under section

4301.361 of the Revised Code. A D-6 permit issued under this 30332
division is subject to the results of an election, held after the 30333
D-6 permit is issued, on question (B)(4) as set forth in section 30334
4301.351 of the Revised Code. Following the end of the period 30335
during which an election may be held on question (B)(4) as set 30336
forth in that section, sales of intoxicating liquor may continue 30337
at an outdoor performing arts center under a D-6 permit issued 30338
under this division, unless an election on that question is held 30339
during the permitted period and a majority of the voters voting in 30340
the precinct on that question vote "no." 30341

As used in this division, "outdoor performing arts center" 30342
means an outdoor performing arts center that is located on not 30343
less than eight hundred acres of land and that is open for 30344
performances from the first day of April to the last day of 30345
October of each year. 30346

(G) Permit D-6 shall be issued to the holder of any permit 30347
that authorizes the sale of beer or intoxicating liquor and that 30348
is issued to a golf course owned by the state, a conservancy 30349
district, a park district created under Chapter 1545. of the 30350
Revised Code, or another political subdivision to allow sale under 30351
that permit between the hours of ten a.m. and midnight on Sunday, 30352
whether or not that sale has been authorized under section 30353
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 30354

(H) If the restriction to licensed premises where the sale of 30355
food and other goods and services exceeds fifty per cent of the 30356
total gross receipts of the permit holder at the premises is 30357
applicable, the division of liquor control may accept an affidavit 30358
from the permit holder to show the proportion of the permit 30359
holder's gross receipts derived from the sale of food and other 30360
goods and services. If the liquor control commission determines 30361
that affidavit to have been false, it shall revoke the permits of 30362
the permit holder at the premises concerned. 30363

(I) The fee for the D-6 permit is ~~two~~ five hundred ~~fifty~~ 30364
dollars when it is issued to the holder of an A-1-A, A-2, D-2, 30365
D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, 30366
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 permit. The fee for the D-6 30367
permit is ~~two~~ four hundred dollars when it is issued to the holder 30368
of a C-2 permit. 30369

Sec. 4303.183. Permit D-7 may be issued to the holder of any 30370
D-2 permit issued by the division of liquor control, or if there 30371
is an insufficient number of D-2 permit holders to fill the resort 30372
quota, to the operator of a retail food establishment or a food 30373
service operation required to be licensed under Chapter 3717. of 30374
the Revised Code that operates as a restaurant for purposes of 30375
this chapter and which qualifies under the other requirements of 30376
this section, to sell beer and any intoxicating liquor at retail, 30377
only by the individual drink in glass and from the container, for 30378
consumption on the premises where sold. Not less than fifty per 30379
cent of the business on the permit premises shall be preparing and 30380
serving meals for a consideration in order to qualify for and 30381
continue to hold such D-7 permit. The permit premises shall be 30382
located in a resort area. 30383

"Resort area" means a municipal corporation, township, 30384
county, or any combination thereof, which provides entertainment, 30385
recreation, and transient housing facilities specifically intended 30386
to provide leisure time activities for persons other than those 30387
whose permanent residence is within the "resort area" and who 30388
increase the population of the "resort area" on a seasonal basis, 30389
and which experiences seasonal peaks of employment and 30390
governmental services as a direct result of population increase 30391
generated by the transient, recreating public. A resort season 30392
shall begin on the first day of May and end on the last day of 30393
October. Notwithstanding section 4303.27 of the Revised Code, such 30394

permits may be issued for resort seasons without regard to the 30395
calendar year or permit year. Quota restrictions on the number of 30396
such permits shall take into consideration the transient 30397
population during the resort season, the custom and habits of 30398
visitors and tourists, and the promotion of the resort and tourist 30399
industry. The fee for this permit is ~~three~~ four hundred 30400
~~seventy-five~~ sixty-nine dollars per month. 30401

Any suspension of a D-7 permit shall be satisfied during the 30402
resort season in which such suspension becomes final. If such 30403
suspension becomes final during the off-season, or if the period 30404
of the suspension extends beyond the last day of October, the 30405
suspension or remainder thereof shall be satisfied during the next 30406
resort season. 30407

The ownership of a D-7 permit may be transferred from one 30408
permit holder to another. The holder of a D-7 permit may file an 30409
application to transfer such permit to a new location within the 30410
same resort area, provided that such permit holder shall be the 30411
owner or operator of a retail food establishment or a food service 30412
operation, required to be licensed under Chapter 3717. of the 30413
Revised Code, that operates as a restaurant for purposes of this 30414
chapter, at such new location. 30415

Sec. 4303.184. (A) Subject to division (B) of this section, a 30416
D-8 permit may be issued to the holder of a C-1, C-2, or C-2x 30417
permit issued to a retail store that has either of the following 30418
characteristics: 30419

(1) The store has at least five thousand five hundred square 30420
feet of floor area, and it generates more than sixty per cent of 30421
its sales in general merchandise items and food for consumption 30422
off the premises where sold. 30423

(2) Wine constitutes at least sixty per cent of the value of 30424
the store's inventory. 30425

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 30426
or C-2x permit only if the premises of the permit holder are 30427
located in a precinct, or at a particular location in a precinct, 30428
in which the sale of beer, wine, or mixed beverages is permitted 30429
for consumption off the premises where sold. Sales under a D-8 30430
permit are not affected by whether sales for consumption on the 30431
premises where sold are permitted in the precinct or at the 30432
particular location where the D-8 premises are located. 30433

(C) The holder of a D-8 permit may sell tasting samples of 30434
beer, wine, and mixed beverages, but not spirituous liquor, at 30435
retail, for consumption on the premises where sold in an amount 30436
not to exceed two ounces or another amount designated by rule of 30437
the liquor control commission. A tasting sample shall not be sold 30438
for general consumption. No D-8 permit holder shall allow any 30439
authorized purchaser to consume more than four tasting samples of 30440
beer, wine, or mixed beverages, or any combination of beer, wine, 30441
or mixed beverages, per day. 30442

(D) The privileges authorized under a D-8 permit may only be 30443
exercised in conjunction with and during the hours of operation 30444
authorized by a C-1, C-2, C-2x, or D-6 permit. 30445

(E) A D-8 permit shall not be transferred to another 30446
location. 30447

(F) The fee for the D-8 permit is ~~two~~ five hundred ~~fifty~~ 30448
dollars. 30449

(G) The holder of a D-8 permit shall cause an independent 30450
audit to be performed at the end of the first full year of 30451
operation following issuance of the permit, and at the end of each 30452
second year thereafter, in order to verify that the permit holder 30453
satisfies the applicable requirement of division (A)(1) or (2) of 30454
this section. The permit holder shall transmit the results of the 30455
independent audit to the division of liquor control. If the 30456

results of the audit indicate noncompliance with division (A) of 30457
this section, the division shall not renew the D-8 permit of the 30458
permit holder. 30459

Sec. 4303.19. Permit E may be issued to the owner or operator 30460
of any railroad, a sleeping car company operating dining cars, 30461
buffet cars, club cars, lounge cars, or similar equipment, or an 30462
airline providing charter or regularly scheduled aircraft 30463
transportation service with dining, buffet, club, lounge, or 30464
similar facilities, to sell beer or any intoxicating liquor in any 30465
such car or aircraft to bona fide passengers at retail in glass 30466
and from the container for consumption in such car or aircraft, 30467
including sale on Sunday between the hours of one p.m. and 30468
midnight. The fee for this permit is ~~two~~ five hundred ~~fifty~~ 30469
dollars. 30470

Sec. 4303.20. Permit F may be issued to an association of ten 30471
or more persons, a labor union, or a charitable organization, or 30472
to an employer of ten or more persons sponsoring a function for 30473
~~his~~ the employer's employees, to purchase from the holders of A-1 30474
and B-1 permits and to sell beer for a period lasting not to 30475
exceed five days. No more than two such permits may be issued to 30476
the same applicant in any thirty-day period. 30477

The special function for which ~~such~~ the permit is issued 30478
shall include a social, recreational, benevolent, charitable, 30479
fraternal, political, patriotic, or athletic purpose but shall not 30480
include any function the proceeds of which are for the profit or 30481
gain of any individual. The fee for this permit is ~~twenty~~ forty 30482
dollars. 30483

Sec. 4303.201. (A) As used in this section: 30484

(1) "Convention facility" means any structure owned or leased 30485
by a municipal corporation or county which was expressly designed 30486

and constructed and is currently used for the purpose of 30487
presenting conventions, public meetings, and exhibitions. 30488

(2) "Nonprofit organization" means any unincorporated 30489
association or nonprofit corporation that is not formed for the 30490
pecuniary gain or profit of, and whose net earnings or any part 30491
thereof is not distributable to, its members, trustees, officers, 30492
or other private persons; provided, that the payment of reasonable 30493
compensation for services rendered and the distribution of assets 30494
on dissolution shall not be considered pecuniary gain or profit or 30495
distribution of earnings in an association or corporation all of 30496
whose members are nonprofit corporations. Distribution of earnings 30497
to member organizations does not deprive it of the status of a 30498
nonprofit organization. 30499

(B) An F-1 permit may be issued to any nonprofit organization 30500
to allow the nonprofit organization and its members and their 30501
guests to lawfully bring beer, wine, and intoxicating liquor in 30502
its original package, flasks, or other containers into a 30503
convention facility for consumption therein, if both of the 30504
following requirements are met: 30505

(1) The superintendent of liquor control is satisfied the 30506
organization meets the definition of a nonprofit organization as 30507
set forth in division (A)(2) of this section, the nonprofit 30508
organization's membership includes persons residing in two or more 30509
states, and the organization's total membership is in excess of 30510
five hundred. The superintendent may accept a sworn statement by 30511
the president or other chief executive officer of the nonprofit 30512
organization as proof of the matters required in this division. 30513

(2) The managing official or employee of the convention 30514
facility has given written consent to the use of the convention 30515
facility and to the application for the F-1 permit, as shown in 30516
the nonprofit organization's application to the superintendent. 30517

(C) The superintendent shall specify individually the 30518
effective period of each F-1 permit on the permit, which shall not 30519
exceed three days. The fee for an F-1 permit is ~~one~~ two hundred 30520
~~twenty-five~~ fifty dollars. The superintendent shall prepare and 30521
make available application forms to request F-1 permits and may 30522
require applicants to furnish such information as the 30523
superintendent determines to be necessary for the administration 30524
of this section. 30525

(D) No holder of an F-1 permit shall make a specific charge 30526
for beer, wine, or intoxicating liquor by the drink, or in its 30527
original package, flasks, or other containers in connection with 30528
its use of the convention facility under the permit. 30529

Sec. 4303.202. (A) The division of liquor control may issue 30530
an F-2 permit to an association or corporation, or to a recognized 30531
subordinate lodge, chapter, or other local unit of an association 30532
or corporation, to sell beer or intoxicating liquor by the 30533
individual drink at an event to be held on premises located in a 30534
political subdivision or part thereof where the sale of beer or 30535
intoxicating liquor on that day is otherwise permitted by law. 30536

The division of liquor control may issue an F-2 permit to an 30537
association or corporation, or to a recognized subordinate lodge, 30538
chapter, or other local unit of an association or corporation, to 30539
sell beer, wine, and spirituous liquor by the individual drink at 30540
an event to be held on premises located in a political subdivision 30541
or part thereof where the sale of beer and wine, but not 30542
spirituous liquor, is otherwise permitted by law on that day. 30543

Notwithstanding section 1711.09 of the Revised Code, this 30544
section applies to any association or corporation or a recognized 30545
subordinate lodge, chapter, or other local unit of an association 30546
or corporation. 30547

In order to receive an F-2 permit, the association, 30548
corporation, or local unit shall be organized not for profit, 30549
shall be operated for a charitable, cultural, fraternal, or 30550
educational purpose, and shall not be affiliated with the holder 30551
of any class of liquor permit, other than a D-4 permit. 30552

The premises on which the permit is to be used shall be 30553
clearly defined and sufficiently restricted to allow proper 30554
supervision of the permit use by state and local law enforcement 30555
personnel. An F-2 permit may be issued for the same premises for 30556
which another class of permit is issued. 30557

No F-2 permit shall be effective for more than forty-eight 30558
consecutive hours, and sales shall be confined to the same hours 30559
permitted to the holder of a D-3 permit. The division shall not 30560
issue more than two F-2 permits in one calendar year to the same 30561
association, corporation, or local unit of an association or 30562
corporation. The fee for an F-2 permit is ~~seventy-five~~ one hundred
fifty dollars. 30563
30564

If an applicant wishes the holder of a D-3, D-4, or D-5 30565
permit to conduct the sale of beer and intoxicating liquor at the 30566
event, the applicant may request that the F-2 permit be issued 30567
jointly to the association, corporation, or local unit and the 30568
D-permit holder. If a permit is issued jointly, the association, 30569
corporation, or local unit and the D-permit holder shall both be 30570
held responsible for any conduct that violates laws pertaining to 30571
the sale of alcoholic beverages, including sales by the D-permit 30572
holder; otherwise, the association, corporation, or local unit 30573
shall be held responsible. In addition to the permit fee paid by 30574
the association, corporation, or local unit, the D-permit holder 30575
shall pay a fee of ten dollars. A D-permit holder may receive an 30576
unlimited number of joint F-2 permits. 30577

Any association, corporation, or local unit applying for an 30578

F-2 permit shall file with the application a statement of the 30579
organizational purpose of the association, corporation, or local 30580
unit, the location and purpose of the event, and a list of its 30581
officers. The application form shall contain a notice that a 30582
person who knowingly makes a false statement on the application or 30583
statement is guilty of the crime of falsification, a misdemeanor 30584
of the first degree. In ruling on an application, the division 30585
shall consider, among other things, the past activities of the 30586
association, corporation, or local unit and any D-permit holder 30587
while operating under other F-2 permits, the location of the event 30588
for which the current application is made, and any objections of 30589
local residents or law enforcement authorities. If the division 30590
approves the application, it shall send copies of the approved 30591
application to the proper law enforcement authorities prior to the 30592
scheduled event. 30593

Using the procedures of Chapter 119. of the Revised Code, the 30594
liquor control commission may adopt such rules as are necessary to 30595
administer this section. 30596

(B) No association, corporation, local unit of an association 30597
or corporation, or D-permit holder who holds an F-2 permit shall 30598
sell beer or intoxicating liquor beyond the hours of sale allowed 30599
by the permit. This division imposes strict liability on the 30600
holder of such permit and on any officer, agent, or employee of 30601
such permit holder. 30602

Sec. 4303.203. (A) As used in this section: 30603

(1) "Convention facility" and "nonprofit corporation" have 30604
the same meanings as in section 4303.201 of the Revised Code. 30605

(2) "Hotel" means a hotel described in section 3731.01 of the 30606
Revised Code that has at least fifty rooms for registered 30607
transient guests and that is required to be licensed pursuant to 30608
section 3731.03 of the Revised Code. 30609

(B) An F-3 permit may be issued to an organization whose primary purpose is to support, promote, and educate members of the beer, wine, or mixed beverage industries, to allow the organization to bring beer, wine, or mixed beverages in their original packages or containers into a convention facility or hotel for consumption in the facility or hotel, if all of the following requirements are met:

(1) The superintendent of liquor control is satisfied that the organization is a nonprofit organization and that the organization's membership is in excess of two hundred fifty persons.

(2) The general manager or the equivalent officer of the convention facility or hotel provides a written consent for the use of a portion of the facility or hotel by the organization and a written statement that the facility's or hotel's permit privileges will be suspended in the portion of the facility or hotel in which the F-3 permit is in force.

(3) The organization provides a written description that clearly sets forth the portion of the convention facility or hotel in which the F-3 permit will be used.

(4) The organization provides a written statement as to its primary purpose and the purpose of its event at the convention facility or hotel.

(5) Division (C) of this section does not apply.

(C) No F-3 permit shall be issued to any nonprofit organization that is created by or for a specific manufacturer, supplier, distributor, or retailer of beer, wine, or mixed beverages.

(D) Notwithstanding division (E) of section 4301.22 of the Revised Code, a holder of an F-3 permit may obtain by donation

beer, wine, or mixed beverages from any manufacturer or producer 30640
of beer, wine, or mixed beverages. 30641

(E) Nothing in this chapter prohibits the holder of an F-3 30642
permit from bringing into the portion of the convention facility 30643
or hotel covered by the permit beer, wine, or mixed beverages 30644
otherwise not approved for sale in this state. 30645

(F) Notwithstanding division (E) of section 4301.22 of the 30646
Revised Code, no holder of an F-3 permit shall make any charge for 30647
any beer, wine, or mixed beverage served by the drink, or in its 30648
original package or container, in connection with the use of the 30649
portion of the convention facility or hotel covered by the permit. 30650

(G) The division of liquor control shall prepare and make 30651
available an F-3 permit application form and may require 30652
applicants for the permit to provide information, in addition to 30653
that required by this section, that is necessary for the 30654
administration of this section. 30655

(H) An F-3 permit shall be effective for a period not to 30656
exceed five consecutive days. The division of liquor control shall 30657
not issue more than three F-3 permits per calendar year to the 30658
same nonprofit organization. The fee for an F-3 permit is ~~one~~ 30659
three hundred ~~fifty~~ dollars. 30660

Sec. 4303.204. (A) The division of liquor control may issue 30661
an F-4 permit to an association or corporation organized 30662
not-for-profit in this state to conduct an event that includes the 30663
introduction, showcasing, or promotion of Ohio wines, if the event 30664
has all of the following characteristics: 30665

(1) It is coordinated by that association or corporation, and 30666
the association or corporation is responsible for the activities 30667
at it. 30668

(2) It has as one of its purposes the intent to introduce, 30669

showcase, or promote Ohio wines to persons who attend it. 30670

(3) It includes the sale of food for consumption on the 30671
premises where sold. 30672

(4) It features at least three A-2 permit holders who sell 30673
Ohio wine at it. 30674

(B) The holder of an F-4 permit may furnish, without charge, 30675
wine that it has obtained from the A-2 permit holders that are 30676
participating in the event for which the F-4 permit is issued, in 30677
two-ounce samples for consumption on the premises where furnished 30678
and may sell such wine by the glass for consumption on the 30679
premises where sold. The holder of an A-2 permit that is 30680
participating in the event for which the F-4 permit is issued may 30681
sell wine that it has manufactured, in sealed containers for 30682
consumption off the premises where sold. Wine may be furnished or 30683
sold on the premises of the event for which the F-4 permit is 30684
issued only where and when the sale of wine is otherwise permitted 30685
by law. 30686

(C) The premises of the event for which the F-4 permit is 30687
issued shall be clearly defined and sufficiently restricted to 30688
allow proper enforcement of the permit by state and local law 30689
enforcement officers. If an F-4 permit is issued for all or a 30690
portion of the same premises for which another class of permit is 30691
issued, that permit holder's privileges will be suspended in that 30692
portion of the premises in which the F-4 permit is in effect. 30693

(D) No F-4 permit shall be effective for more than 30694
seventy-two consecutive hours. No sales or furnishing of wine 30695
shall take place under an F-4 permit after one a.m. 30696

(E) The division shall not issue more than six F-4 permits to 30697
the same not-for-profit association or corporation in any one 30698
calendar year. 30699

(F) An applicant for an F-4 permit shall apply for the permit 30700

not later than thirty days prior to the first day of the event for 30701
which the permit is sought. The application for the permit shall 30702
list all of the A-2 permit holders that will participate in the 30703
event for which the F-4 permit is sought. The fee for the F-4 30704
permit is ~~thirty~~ sixty dollars per day. 30705

The division shall prepare and make available an F-4 permit 30706
application form and may require applicants for and holders of the 30707
F-4 permit to provide information that is in addition to that 30708
required by this section and that is necessary for the 30709
administration of this section. 30710

(G)(1) The holder of an F-4 permit is responsible for, and is 30711
subject to penalties for, any violations of this chapter or 30712
Chapter 4301. of the Revised Code or the rules adopted under this 30713
and that chapter. 30714

(2) An F-4 permit holder shall not allow an A-2 permit holder 30715
to participate in the event for which the F-4 permit is issued if 30716
the A-2 or A-1-A permit of that A-2 permit holder is under 30717
suspension. 30718

(3) The division may refuse to issue an F-4 permit to an 30719
applicant who has violated any provision of this chapter or 30720
Chapter 4301. of the Revised Code during the applicant's previous 30721
operation under an F-4 permit, for a period of up to two years 30722
after the date of the violation. 30723

(H)(1) Notwithstanding division (E) of section 4301.22 of the 30724
Revised Code, an A-2 permit holder that participates in an event 30725
for which an F-4 permit is issued may donate wine that it has 30726
manufactured to the holder of that F-4 permit. The holder of an 30727
F-4 permit may return unused and sealed containers of wine to the 30728
A-2 permit holder that donated the wine at the conclusion of the 30729
event for which the F-4 permit was issued. 30730

(2) The participation by an A-2 permit holder or its 30731

employees in an event for which an F-4 permit is issued does not 30732
violate section 4301.24 of the Revised Code. 30733

Sec. 4303.21. Permit G may be issued to the owner of a 30734
pharmacy in charge of a licensed pharmacist to be named in ~~such~~ 30735
the permit for the sale at retail of alcohol for medicinal 30736
purposes in quantities at each sale of not more than one gallon 30737
upon the written prescription of a physician or dentist who is 30738
lawfully and regularly engaged in the practice of the physician's 30739
or dentist's profession in this state, and for the sale of 30740
industrial alcohol for mechanical, chemical, or scientific 30741
purposes to a person known by the seller to be engaged in ~~such~~ 30742
mechanical, chemical, or scientific pursuits; all subject to 30743
section 4303.34 of the Revised Code. The fee for this permit ~~if~~ 30744
~~fifty~~ is one hundred dollars. 30745

Sec. 4303.22. Permit H may be issued for a fee of ~~one~~ three 30746
hundred ~~fifty~~ dollars to a carrier by motor vehicle who also holds 30747
a license issued by the public utilities commission to transport 30748
beer, intoxicating liquor, and alcohol, or any of them, in this 30749
state for delivery or use in this state. This section does not 30750
prevent the division of liquor control from contracting with 30751
common or contract carriers for the delivery or transportation of 30752
liquor for the division, and any contract or common carrier so 30753
contracting with the division is eligible for an H permit. 30754
Manufacturers or wholesale distributors of beer or intoxicating 30755
liquor other than spirituous liquor who transport or deliver their 30756
own products to or from their premises licensed under this chapter 30757
and Chapter 4301. of the Revised Code by their own trucks as an 30758
incident to the purchase or sale of such beverages need not obtain 30759
an H permit. Carriers by rail shall receive an H permit upon 30760
application for it. 30761

This section does not prevent the division from issuing, upon 30762

the payment of the permit fee, an H permit to any person, 30763
partnership, firm, or corporation licensed by any other state to 30764
engage in the business of manufacturing and brewing or producing 30765
beer, wine, and mixed beverages or any person, partnership, firm, 30766
or corporation licensed by the United States or any other state to 30767
engage in the business of importing beer, wine, and mixed 30768
beverages manufactured outside the United States. The 30769
manufacturer, brewer, or importer of products manufactured outside 30770
the United States, upon the issuance of an H permit, may 30771
transport, ship, and deliver only its own products to holders of 30772
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 30773
operated by such class H permit holder. No H permit shall be 30774
issued by the division to such applicant until the applicant files 30775
with the division a liability insurance certificate or policy 30776
satisfactory to the division, in a sum of not less than one 30777
thousand nor more than five thousand dollars for property damage 30778
and for not less than five thousand nor more than fifty thousand 30779
dollars for loss sustained by reason of injury or death and with 30780
such other terms as the division considers necessary to adequately 30781
protect the interest of the public, having due regard for the 30782
number of persons and amount of property affected. The certificate 30783
or policy shall insure the manufacturer, brewer, or importer of 30784
products manufactured outside the United States against loss 30785
sustained by reason of the death of or injury to persons, and for 30786
loss of or damage to property, from the negligence of such class H 30787
permit holder in the operation of its motor vehicles or equipment 30788
in this state. 30789

Sec. 4303.23. Permit I may be issued to wholesale druggists 30790
to purchase alcohol from the holders of A-3 permits and to import 30791
alcohol into ~~Ohio~~ this state subject to ~~such~~ terms ~~as are~~ imposed 30792
by the division of liquor control; to sell at wholesale to 30793
physicians, dentists, druggists, veterinary surgeons, 30794

manufacturers, hospitals, infirmaries, and medical or educational 30795
institutions using such alcohol for medicinal, mechanical, 30796
chemical, or scientific purposes, and to holders of G permits for 30797
nonbeverage purposes only; and to sell alcohol at retail in total 30798
quantities at each sale of not more than one quart, upon the 30799
written prescription of a physician or dentist who is lawfully and 30800
regularly engaged in the practice of ~~his~~ the physician's or 30801
dentist's profession in this state. The sale of alcohol under this 30802
section is subject to section 4303.34 of the Revised Code. The fee 30803
for this permit is ~~one~~ two hundred dollars. 30804

"Wholesale druggists," as used in this section includes all 30805
persons holding federal wholesale liquor dealers' licenses and who 30806
are engaged in the sale of medicinal drugs, proprietary medicines, 30807
and surgical and medical appliances and apparatus, at wholesale. 30808

Sec. 4303.231. Permit W may be issued to a manufacturer or 30809
supplier of beer or intoxicating liquor to operate a warehouse for 30810
the storage of beer or intoxicating liquor within this state and 30811
to sell ~~such~~ those products from the warehouse only to holders of 30812
B permits in this state and to other customers outside this state 30813
under rules promulgated by the liquor control commission. Each 30814
holder of a B permit with a consent to import on file with the 30815
division of liquor control may purchase beer or intoxicating 30816
liquor if designated by the permit to make ~~such~~ those purchases, 30817
from the holder of a W permit. The fee for a W permit is one 30818
thousand ~~two~~ five hundred ~~fifty~~ sixty-three dollars for each 30819
warehouse during the year covered by the permit. 30820

Sec. 4501.27. (A) Except as provided in division (B) of this 30821
section, on and after September 13, 1997, the registrar of motor 30822
vehicles, and any employee or contractor of the bureau of motor 30823
vehicles, shall not knowingly disclose or otherwise make available 30824
to any person or entity any personal information about an 30825

individual that the bureau obtained in connection with a motor 30826
vehicle record. 30827

(B)(1) On and after September 13, 1997, the registrar, or an 30828
employee or contractor of the bureau of motor vehicles, shall 30829
disclose personal information, other than sensitive personal 30830
information, about an individual that the bureau obtained in 30831
connection with a motor vehicle record, for use in connection with 30832
any of the following matters to carry out the purposes of any 30833
specified federal automobile-related act: 30834

(a) Motor vehicle or driver safety and theft; 30835

(b) Motor vehicle emissions; 30836

(c) Motor vehicle product alterations, recalls, or 30837
advisories; 30838

(d) Performance monitoring of motor vehicles and dealers by 30839
motor vehicle manufacturers; 30840

(e) Removal of non-owner records from the original owner 30841
records of motor vehicle manufacturers. 30842

(2) In addition to the disclosure required under division 30843
(B)(1) of this section, on and after September 13, 1997, the 30844
registrar, or an employee or contractor of the bureau of motor 30845
vehicles, may disclose personal information, other than sensitive 30846
personal information, about an individual that the bureau obtained 30847
in connection with a motor vehicle record, as follows: 30848

(a) For the use of a government agency, including, but not 30849
limited to, a court or law enforcement agency, in carrying out its 30850
functions, or for the use of a private person or entity acting on 30851
behalf of an agency of this state, another state, the United 30852
States, or a political subdivision of this state or another state 30853
in carrying out its functions; 30854

(b) For use in connection with matters regarding motor 30855

vehicle or driver safety and theft; motor vehicle emissions; motor 30856
vehicle product alterations, recalls, or advisories; performance 30857
monitoring of motor vehicles, motor vehicle parts, and dealers; 30858
motor vehicle market research activities, including, but not 30859
limited to, survey research; and removal of non-owner records from 30860
the original owner records of motor vehicle manufacturers; 30861

(c) For use in the normal course of business by a legitimate 30862
business or an agent, employee, or contractor of a legitimate 30863
business, but only for one of the following purposes: 30864

(i) To verify the accuracy of personal information submitted 30865
to the business, agent, employee, or contractor by an individual; 30866

(ii) If personal information submitted to the business, 30867
agent, employee, or contractor by an individual is incorrect or no 30868
longer is correct, to obtain the correct information, but only for 30869
the purpose of preventing fraud, by pursuing legal remedies 30870
against, or recovering on a debt or security interest against, the 30871
individual. 30872

(d) For use in connection with a civil, criminal, 30873
administrative, or arbitral proceeding in a court or agency of 30874
this state, another state, the United States, or a political 30875
subdivision of this state or another state or before a 30876
self-regulatory body, including, but not limited to, use in 30877
connection with the service of process, investigation in 30878
anticipation of litigation, or the execution or enforcement of a 30879
judgment or order; 30880

(e) Pursuant to an order of a court of this state, another 30881
state, the United States, or a political subdivision of this state 30882
or another state; 30883

(f) For use in research activities or in producing 30884
statistical reports, provided the personal information is not 30885
published, redisclosed, or used to contact an individual; 30886

(g) For use by an insurer, insurance support organization, or self-insured entity, or by an agent, employee, or contractor of that type of entity, in connection with any claims investigation activity, anti-fraud activity, rating, or underwriting;	30887 30888 30889 30890
(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;	30891 30892
(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of this section;	30893 30894 30895
(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;	30896 30897 30898 30899 30900
(k) For use in connection with the operation of a private toll transportation facility;	30901 30902
(l) <u>For use by any political subdivision, or any private person or entity acting on behalf of a political subdivision, in the enforcement of traffic control signal violations detected by a traffic control signal photo-monitoring device, as described in sections 4511.093 to 4511.097 of the Revised Code;</u>	30903 30904 30905 30906 30907
<u>(m)</u> For any use not otherwise identified in division (B)(2) of this section that is in response to a request for individual motor vehicle records, if the individual whose personal information is requested completes and submits to the registrar or deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures-;i	30908 30909 30910 30911 30912 30913
(m) <u>(n)</u> For bulk distribution for surveys, marketing, or solicitations, if the individual whose personal information is requested completes and submits to the registrar or a deputy	30914 30915 30916

registrar a form prescribed by the registrar by rule giving 30917
express consent to such disclosures; ~~i~~ 30918

~~(n)~~(o) For use by a person, state, or state agency that 30919
requests the information, if the person, state, or state agency 30920
demonstrates that it has obtained the written consent of the 30921
individual to whom the information pertains; 30922

~~(e)~~(p) For any other use specifically authorized by law that 30923
is related to the operation of a motor vehicle or to public 30924
safety. 30925

(3)(a) Except as provided in division (B)(3)(b) of this 30926
section, the registrar, or an employee or contractor of the bureau 30927
of motor vehicles, may disclose sensitive personal information 30928
about an individual that the bureau obtained in connection with a 30929
motor vehicle record, only if either of the following conditions 30930
are satisfied: 30931

(i) The individual whose personal information is requested 30932
completes and submits to the registrar or deputy registrar a form 30933
prescribed by the registrar by rule giving express consent to such 30934
disclosure; 30935

(ii) The disclosure is for one or more of the purposes 30936
described in division (B)(2)(a), (d), (g), or (j) of this section. 30937

(b) Division (B)(3)(a) of this section does not apply to the 30938
disclosure of sensitive personal information that is subject to 30939
section 4501.15 or 4507.53 of the Revised Code. 30940

(C) On and after September 13, 1997, an authorized recipient 30941
of personal information about an individual that the bureau of 30942
motor vehicles obtained in connection with a motor vehicle record, 30943
other than a recipient under division (B)(2)~~(l)~~(m) or ~~(m)~~(n) of 30944
this section, may resell or redisclose the personal information 30945
only for a use permitted under division (B)(1), (B)(2)(a) to (k), 30946
(B)(2)~~(n)~~(o), or (B)(2)~~(e)~~(p) of this section. On and after 30947

September 13, 1997, an authorized recipient of personal 30948
information about an individual under division (B)(2)~~(l)~~(m) of 30949
this section may resell or redisclose the information for any 30950
purpose. On and after September 13, 1997, an authorized recipient 30951
of personal information under division (B)(2)~~(m)~~(n) of this 30952
section may resell or redisclose the information as specified 30953
pursuant to that division. On and after September 13, 1997, an 30954
authorized recipient of personal information about an individual 30955
under division (B) of this section, other than a recipient under 30956
division (B)(2)~~(l)~~(m) of this section, that resells or rediscloses 30957
any personal information covered by this section must keep for a 30958
period of five years a record that identifies each person or 30959
entity that receives any of the personal information and the 30960
permitted purpose for which the information is to be used, and 30961
must make all such records available to the registrar of motor 30962
vehicles upon the registrar's request. 30963

(D) The registrar may establish and carry out procedures 30964
under which the registrar or the registrar's agents, upon receipt 30965
of a request for personal information on or after September 13, 30966
1997, that does not satisfy any of the criteria for disclosure of 30967
the information that are set forth in division (B)(1) or (2) of 30968
this section, may notify the individual about whom the information 30969
was requested, by regular mail, that the request was made. Any 30970
procedures so adopted shall provide that, if the registrar or an 30971
agent of the registrar mails the notice to the individual, the 30972
registrar or agent shall include with the notice a copy of the 30973
request and conspicuously shall include in the notice a statement 30974
that the information will not be released unless the individual 30975
waives the individual's right to privacy regarding the information 30976
that is granted under this section. 30977

(E) The registrar of motor vehicles may adopt any forms and 30978
rules, consistent with but no more restrictive than the 30979

requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 30980
2721-2725, that are necessary to carry out the registrar's duties 30981
under this section on and after September 13, 1997. 30982

(F) As used in this section: 30983

(1) "Motor vehicle record" means a record that pertains to a 30984
motor vehicle driver's or commercial driver's license or permit, a 30985
motor vehicle certificate of title, a motor vehicle registration 30986
or motor vehicle identification license plates, or an 30987
identification card issued by the bureau of motor vehicles. 30988

(2) "Person" has the same meaning as in section 1.59 of the 30989
Revised Code and does not include this state, another state, or an 30990
agency of this state or another state. 30991

(3) "Personal information" means information that identifies 30992
an individual, including, but not limited to, an individual's 30993
photograph or digital image, social security number, driver or 30994
driver's license identification number, name, telephone number, or 30995
medical or disability information, or an individual's address 30996
other than the five-digit zip code number. "Personal information" 30997
does not include information pertaining to a vehicular accident, 30998
driving or traffic violation, or driver's status. 30999

(4) "Specified federal automobile-related act" means the 31000
~~"automobile information disclosure act~~ Automobile Information
Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 31001
Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 31002
1901, et seq., the "National Traffic and Motor Vehicle Safety Act 31003
of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car 31004
Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and 31005
the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as 31006
now or hereafter amended. 31007
31008

(5) "Sensitive personal information" means an individual's 31009
photograph or digital image, social security number, or medical or 31010

disability information. 31011

Sec. 4503.234. (A) As used in this section, "vehicle owner" 31012
means the person in whose name is registered a vehicle that is 31013
subject to an order of forfeiture issued under this section. 31014

(B) If a court is required by section 4503.233, 4503.236, 31015
4507.361, 4507.99, 4511.193, or 4511.99 of the Revised Code to 31016
order the criminal forfeiture of a vehicle, the order shall be 31017
issued and enforced in accordance with this division, subject to 31018
division (C) of this section and section 4503.235 of the Revised 31019
Code. An order of criminal forfeiture issued under this division 31020
shall authorize an appropriate law enforcement agency to seize the 31021
vehicle ordered criminally forfeited upon the terms and conditions 31022
that the court determines proper. No vehicle ordered criminally 31023
forfeited pursuant to this division shall be considered contraband 31024
for purposes of section 2933.41, 2933.42, or 2933.43 of the 31025
Revised Code, but shall be held by the law enforcement agency that 31026
employs the officer who seized it for disposal in accordance with 31027
this section. A forfeiture order may be issued only after the 31028
vehicle owner has been provided with an opportunity to be heard. 31029
The prosecuting attorney shall give the vehicle owner written 31030
notice of the possibility of forfeiture by sending a copy of the 31031
relevant uniform traffic ticket or other written notice to the 31032
vehicle owner not less than seven days prior to the date of 31033
issuance of the forfeiture order. A vehicle is subject to an order 31034
of criminal forfeiture pursuant to this division upon the 31035
conviction of the offender of or plea of guilty by the offender to 31036
a violation of division (A) of section 4503.236, division (B)(1) 31037
or (D)(2) of section 4507.02, section 4507.33, or division (A) of 31038
section 4511.19 of the Revised Code, or a municipal ordinance that 31039
is substantially equivalent to division (A) of section 4503.236, 31040
division (B)(1) or (D)(2) of section 4507.02, section 4507.33, or 31041
division (A) of section 4511.19 of the Revised Code. 31042

(C)(1) Prior to the issuance of an order of criminal forfeiture pursuant to division (B) of this section, the law enforcement agency that employs the law enforcement officer who seized the vehicle shall conduct or cause to be conducted a search of the appropriate public records that relate to the vehicle and shall make or cause to be made reasonably diligent inquiries to identify any lienholder or any person or entity with an ownership interest in the vehicle. The court that is to issue the forfeiture order also shall cause a notice of the potential order relative to the vehicle and of the expected manner of disposition of the vehicle after its forfeiture to be sent to any lienholder or person who is known to the court to have any right, title, or interest in the vehicle. The court shall give the notice by certified mail, return receipt requested, or by personal service.

(2) No order of criminal forfeiture shall be issued pursuant to division (B) of this section if a lienholder or other person with an ownership interest in the vehicle establishes to the court, by a preponderance of the evidence after filing a motion with the court, that the lienholder or other ~~that~~ person neither knew nor should have known after a reasonable inquiry that the vehicle would be used or involved, or likely would be used or involved, in the violation resulting in the issuance of the order of criminal forfeiture or the violation of the order of immobilization issued under section 4503.233 of the Revised Code, that the lienholder or other ~~that~~ person did not expressly or impliedly consent to the use or involvement of the vehicle in that violation, and that the lien or ownership interest was perfected pursuant to law prior to the seizure of the vehicle under section 4503.236, 4507.38, or 4511.195 of the Revised Code. If the lienholder or holder of the ownership interest satisfies the court that these criteria have been met, the court shall preserve ~~the holder's~~ the lienholder's or other person's lien or interest, and

the court either shall return the vehicle to the holder, ~~the~~ 31075
~~holder's~~ or shall order that the ~~the holder's~~ proceeds of any sale 31076
held pursuant to division (D) of this section be paid to the 31077
lienholder or holder of the interest less the costs of seizure, 31078
storage, and maintenance of the vehicle. The court shall not 31079
return a vehicle to a lienholder or a holder of an ownership 31080
interest under division (C)(2) of this section unless the 31081
lienholder or holder submits an affidavit to the court that states 31082
that the lienholder or holder will not return the vehicle to the 31083
person from whom the vehicle was seized pursuant to the order of 31084
criminal forfeiture or to any member of that person's family and 31085
will not otherwise knowingly permit that person or any member of 31086
that person's family to obtain possession of the vehicle. 31087

(3) No order of criminal forfeiture shall be issued pursuant 31088
to division (B) of this section if a person with an interest in 31089
the vehicle establishes to the court, by a preponderance of the 31090
evidence after filing a motion with the court, that the person 31091
neither knew nor should have known after a reasonable inquiry that 31092
the vehicle had been used or was involved in the violation 31093
resulting in the issuance of the order of criminal forfeiture or 31094
the violation of the order of immobilization issued under section 31095
4503.233 of the Revised Code, that the person did not expressly or 31096
impliedly consent to the use or involvement of the vehicle in that 31097
violation, that the interest was perfected in good faith and for 31098
value pursuant to law between the time of the arrest of the 31099
offender and the final disposition of the criminal charge in 31100
question, and that the vehicle was in the possession of the 31101
vehicle owner at the time of the perfection of the interest. If 31102
the court is satisfied that the interest holder has met these 31103
criteria, the court shall preserve ~~the holder's~~ the interest 31104
holder's interest, and the court either shall return the vehicle 31105
to the interest holder ~~the holder's~~ or order that the ~~the holder's~~ 31106
proceeds of any sale held pursuant to division (D) of this section 31107

be paid to the holder of the interest less the costs of seizure, 31108
storage, and maintenance of the vehicle. The court shall not 31109
return a vehicle to an interest holder under division (C)(3) of 31110
this section unless the holder submits an affidavit to the court 31111
stating that the holder will not return the vehicle to the person 31112
from whom the holder acquired ~~the holder's~~ the holder's interest, 31113
nor to any member of that person's family, and the holder will not 31114
otherwise knowingly permit that person or any member of that 31115
person's family to obtain possession of the vehicle. 31116

(D) A vehicle ordered criminally forfeited to the state 31117
pursuant to division (B) of this section shall be disposed of as 31118
follows: 31119

(1) It shall be given to the law enforcement agency that 31120
employs the law enforcement officer who seized the vehicle, if 31121
that agency desires to have it; 31122

(2) If a vehicle is not disposed of pursuant to division 31123
(D)(1) of this section, the vehicle shall be sold, without 31124
appraisal, if the value of the vehicle is two thousand dollars or 31125
more as determined by publications of the national auto dealer's 31126
association, at a public auction to the highest bidder for cash. 31127
Prior to the sale, the prosecuting attorney in the case shall 31128
cause a notice of the proposed sale to be given in accordance with 31129
law. The court shall cause notice of the sale of the vehicle to be 31130
published in a newspaper of general circulation in the county in 31131
which the court is located at least seven days prior to the date 31132
of the sale. The proceeds of a sale under this division or 31133
division (G) of this section shall be applied in the following 31134
order: 31135

(a) First, they shall be applied to the payment of the costs 31136
incurred in connection with the seizure, storage, and maintenance 31137
of, and provision of security for, the vehicle, any proceeding 31138
arising out of the forfeiture, and if any, the sale. 31139

(b) Second, the remaining proceeds after compliance with 31140
division (D)(2)(a) of this section, shall be applied to the 31141
payment of the value of any lien or ownership interest in the 31142
vehicle preserved under division (C) of this section. 31143

(c) Third, the remaining proceeds, after compliance with 31144
divisions (D)(2)(a) and (b) of this section, shall be applied to 31145
the appropriate funds in accordance with divisions (D)(1)(c) and 31146
(2) of section 2933.43 of the Revised Code, provided that the 31147
total of the amount so deposited under this division shall not 31148
exceed one thousand dollars. The remaining proceeds deposited 31149
under this division shall be used only for the purposes authorized 31150
by those divisions and division (D)(3)(a)(ii) of that section. 31151

(d) Fourth, the remaining proceeds after compliance with 31152
divisions (D)(2)(a) and (b) of this section and after deposit of a 31153
total amount of one thousand dollars under division (D)(2)(c) of 31154
this section shall be applied so that ~~fifty~~ seventy-five per cent 31155
of those remaining proceeds is paid into the reparation fund 31156
established by section 2743.191 of the Revised Code, ~~twenty five~~ 31157
~~per cent is paid into the drug abuse resistance education programs~~ 31158
~~fund created by division (L)(2)(c) of section 4511.191 of the~~ 31159
~~Revised Code and shall be used only for the purposes authorized by~~ 31160
~~division (L)(2)(c) of that section,~~ and twenty-five per cent is 31161
applied to the appropriate funds in accordance with division 31162
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 31163
deposited into any fund described in section 2933.43 of the 31164
Revised Code shall be used only for the purposes authorized by 31165
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 31166

(E) Notwithstanding any other provision of law, neither the 31167
registrar of motor vehicles nor any deputy registrar shall accept 31168
an application for the registration of any motor vehicle in the 31169
name of any person, or register any motor vehicle in the name of 31170
any person, if both of the following apply: 31171

(1) Any vehicle registered in the person's name was 31172
criminally forfeited under division (B) of this section and 31173
section 4503.233, 4503.236, 4507.361, 4507.99, 4511.193, or 31174
4511.99 of the Revised Code; 31175

(2) Less than five years have expired since the issuance of 31176
the most recent order of criminal forfeiture issued in relation to 31177
a vehicle registered in the person's name. 31178

(F) If a court is required by section 4503.233, 4507.361, 31179
4507.99, 4511.193, or 4511.99 of the Revised Code to order the 31180
criminal forfeiture to the state of a vehicle, and the title to 31181
the motor vehicle is assigned or transferred, and division (C)(2) 31182
or (3) of this section applies, in addition to or independent of 31183
any other penalty established by law, the court may fine the 31184
offender the value of the vehicle as determined by publications of 31185
the national auto dealer's association. The proceeds from any fine 31186
imposed under division (F) of this section shall be distributed in 31187
accordance with division (D)(4) of this section. 31188

(G) As used in division (D) of this section and divisions 31189
(D)(1)(c), (2), and (D)(3)(a)(ii) of section 2933.43 of the 31190
Revised Code in relation to proceeds of the sale of a vehicle 31191
under division (D) of this section, "prosecuting attorney" 31192
includes the prosecuting attorney, village solicitor, city 31193
director of law, or similar chief legal officer of a municipal 31194
corporation who prosecutes the case resulting in the conviction or 31195
guilty plea in question. 31196

~~(G)~~(H) If the vehicle to be forfeited has an average retail 31197
value of less than two thousand dollars as determined by 31198
publications of the national auto dealer's association, no public 31199
auction is required to be held. In such a case, the court may 31200
direct that the vehicle be disposed of in any manner that it 31201
considers appropriate, including assignment of the certificate of 31202

title to the motor vehicle to a salvage dealer or a scrap metal 31203
processing facility. The court shall not transfer the vehicle to 31204
the person who is the vehicle's immediate previous owner. 31205

If the court assigns the motor vehicle to a salvage dealer or 31206
scrap metal processing facility and the court is in possession of 31207
the certificate of title to the motor vehicle, it shall send the 31208
assigned certificate of title to the motor vehicle to the clerk of 31209
the court of common pleas of the county in which the salvage 31210
dealer or scrap metal processing facility is located. The court 31211
shall mark the face of the certificate of title with the words 31212
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 31213
of title to the salvage dealer or scrap metal processing facility 31214
for its records. 31215

If the court is not in possession of the certificate of title 31216
to the motor vehicle, the court shall issue an order transferring 31217
ownership of the motor vehicle to a salvage dealer or scrap metal 31218
processing facility, send the order to the clerk of the court of 31219
common pleas of the county in which the salvage dealer or scrap 31220
metal processing facility is located, and send a photocopy of the 31221
order to the salvage dealer or scrap metal processing facility for 31222
its records. The clerk shall make the proper notations or entries 31223
in the clerk's records concerning the disposition of the motor 31224
vehicle. 31225

Sec. 4509.60. Upon acceptance of a bond with individual 31226
sureties, the registrar of motor vehicles shall forward to the 31227
county recorder of the county in which the sureties' real estate 31228
is located a notice of such deposit and pay the recorder a base 31229
fee of five dollars for filing and indexing the notice and a 31230
housing trust fund fee of five dollars pursuant to section 317.36 31231
of the Revised Code. The recorder shall receive and file such 31232
notice and keep and index the same. Such bond shall constitute a 31233

lien in favor of the state upon the real estate so scheduled or 31234
any surety, and the lien shall exist in favor of any holder of a 31235
final judgment against the person who has filed the bond, for 31236
damages, including damages for care and loss of services, because 31237
of bodily injury to or death of any person, or for damage because 31238
of injury to property, including the loss of use thereof, 31239
resulting from the ownership, maintenance, or use of a motor 31240
vehicle after such bond was filed, upon the filing of notice to 31241
that effect by the registrar with the county recorder as provided 31242
in this section. 31243

Sec. 4511.093. (A) As used in sections 4511.093 to 4511.097 31244
of the Revised Code, "traffic control signal photo-monitoring 31245
device" means an electronic system consisting of a photographic, 31246
video, or electronic camera and a vehicle sensor installed to work 31247
in conjunction with a traffic control signal to automatically 31248
produce photographs, videotape, or digital images of each vehicle 31249
that violates the instruction of the red light of the traffic 31250
control signal. 31251

(B)(1) Sections 4511.093 to 4511.097 of the Revised Code 31252
apply to counties that have a population greater than four hundred 31253
thousand persons at the last federal census and to municipal 31254
corporations and townships that are located in a county having a 31255
population of greater than four hundred thousand persons at the 31256
last federal census. 31257

(2) Traffic control signal photo-monitoring devices shall not 31258
be installed by or on behalf of any county that has a population 31259
equal to or less than four hundred thousand persons at the last 31260
federal census or any municipal corporation or township that is 31261
located in a county having a population equal to or less than four 31262
hundred thousand persons at the last federal census. 31263

(C) Notwithstanding division (B) of this section, sections 31264

4511.093 to 4511.097 of the Revised Code do not apply to any 31265
municipal corporation, county, or township that, on the effective 31266
date of this section, has installed and is operating at least one 31267
traffic control signal photo-monitoring device at an intersection 31268
located within its boundaries and has implemented a program 31269
involving violations of the instruction of the red light of the 31270
traffic control signal, irrespective of whether or not under the 31271
program the violations are considered criminal offenses. 31272

Sec. 4511.094. Any legislative authority of a municipal 31273
corporation that, by ordinance, and any board of county 31274
commissioners or board of township trustees that, by resolution, 31275
authorizes the installation of a traffic control signal 31276
photo-monitoring device at an intersection that is located within 31277
the municipal corporation, county, or township, that is under its 31278
control, and at which is located a traffic control signal that 31279
exhibits different colored lights shall conspicuously place and 31280
maintain at the intersection monitored by the device notice that 31281
the intersection is being monitored by the device and shall comply 31282
with this section. For purposes of sections 4511.093 to 4511.097 31283
of the Revised Code, a violation of the instruction of the red 31284
light of the traffic control signal that is detected by the device 31285
shall not be considered a criminal offense. The person who commits 31286
the violation so detected shall not be arrested for purposes of 31287
those sections as a result of the violation. Photographs, 31288
videotapes, or digital images recorded by a traffic control signal 31289
photo-monitoring device may be used only for the purposes 31290
described in section 4511.096 of the Revised Code relating to a 31291
violation of the instruction of the red light, and those 31292
photographs, videotapes, or digital images may be used in relation 31293
to a criminal offense or a traffic infraction other than a 31294
violation of that instruction, regardless of whether the criminal 31295
offense or traffic infraction is related to a violation of that 31296

instruction. 31297

Except as otherwise provided in this section and sections 31298
4511.095 to 4511.097 of the Revised Code, the provisions in 31299
Chapter 4521. of the Revised Code that govern enforcement and 31300
appeal procedures and the payment of fines in relation to 31301
noncriminal parking infractions, including, but not limited to, 31302
the provisions of sections 4521.07, 4521.08, and 4521.10 of the 31303
Revised Code that prohibit in specified circumstances the renewal 31304
or transfer of the registration of the vehicle involved in a 31305
violation or any vehicle owned or leased by a person against whom 31306
a judgment is entered based on a violation, also shall apply to 31307
violations detected by a traffic control signal photo-monitoring 31308
device as described in this section. In applying the provisions of 31309
Chapter 4521. of the Revised Code to violations detected by a 31310
traffic control signal photo-monitoring device as described in 31311
this section, all references in those provisions to "parking 31312
infractions" shall be construed as being references to violations 31313
detected by a traffic control signal photo-monitoring device and 31314
all other terminology included in those provisions shall be 31315
construed in their application to violations detected by a traffic 31316
control signal photo-monitoring device in a reasonable and 31317
appropriate manner to give effect to this section. 31318

Any ordinance or resolution of the type described in this 31319
section shall include a fine for a violation of the instruction of 31320
the red light of the traffic control signal that is detected by 31321
the traffic control signal photo-monitoring device and shall 31322
prescribe an additional penalty or penalties for failure to answer 31323
any charges of the violation in a timely manner. In no case shall 31324
any fine so adopted or additional penalty so prescribed exceed the 31325
fine established by the municipal or county court having 31326
territorial jurisdiction over the entire or a majority of the 31327
political subdivision that adopted the ordinance or resolution, in 31328

its schedule of fines established pursuant to Traffic Rule 13(C), 31329
for a substantively comparable violation. In no case shall any 31330
fine so adopted or additional penalty so prescribed exceed one 31331
hundred dollars, plus costs and other administrative charges, per 31332
violation. All revenue obtained from fines levied under this 31333
section shall be used by the county, municipal corporation, or 31334
township to pay the reasonable costs associated with operating the 31335
traffic control signal photo-monitoring device and for support of 31336
the county, municipal, or township law enforcement agency. 31337

At all intersections at which traffic control signal 31338
photo-monitoring devices are installed, the time period during 31339
which the traffic control signal displays a yellow light or yellow 31340
arrow shall conform with the provisions contained in the manual 31341
adopted by the department of transportation pursuant to section 31342
4511.09 of the Revised Code governing the time of display of 31343
yellow lights and yellow arrows by traffic control signals. 31344

Sec. 4511.095. No municipal corporation, county, or township 31345
shall enter into any contract with any governmental or 31346
nongovernmental entity for the provision of services relating to 31347
the installation or maintenance of traffic control signal 31348
photo-monitoring devices or any services related to the 31349
processing, collecting, or enforcing of tickets, civil judgments, 31350
and default judgments entered pursuant to section 4511.096 and 31351
Chapter 4521. of the Revised Code if the contract involves payment 31352
of any type by the municipal corporation, county, or township to 31353
the governmental or nongovernmental entity on a contingent basis. 31354
A municipal corporation, county, or township may pay a 31355
governmental or nongovernmental entity on an installment basis for 31356
services of that nature, for traffic control signal 31357
photo-monitoring devices, or for maintenance of those devices. 31358

As used in this section, "contingent basis" means any portion 31359

of or all of the payments made by the municipal corporation, 31360
county, or township to the governmental or nongovernmental entity 31361
is dependent upon fines being levied or collected by the county, 31362
municipal corporation, or township due to traffic control signal 31363
violations detected by traffic control signal photo-monitoring 31364
devices, and the payment is either a fixed amount of every such 31365
fine or an amount to be determined by a specified formula, 31366
including, but not limited to, a percentage of every such fine. 31367

Sec. 4511.096. Only a law enforcement officer employed by a 31368
municipal corporation, county, or township that adopts an 31369
ordinance or resolution of the type described in section 4511.094 31370
of the Revised Code may examine any photograph, videotape, or 31371
digital image recorded by the traffic control signal 31372
photo-monitoring device to determine whether a motor vehicle has 31373
violated the instruction of the red light of the traffic control 31374
signal at the intersection monitored by the device. If the 31375
photograph, videotape, or digital image shows an alleged violation 31376
of that nature, contains a notation of the date and time of the 31377
alleged violation, and permits the law enforcement officer to read 31378
the letters and numbers on the motor vehicle's rear license plate, 31379
the officer may use any legal means, including contacting the 31380
bureau of motor vehicles as described in this section, to obtain 31381
the name and mailing address of the motor vehicle's owner. After 31382
the law enforcement officer obtains the motor vehicle owner's name 31383
and mailing address, the officer or another law enforcement 31384
officer may send the owner a ticket charging the owner with a 31385
violation of the instruction of the red light of the traffic 31386
control signal. For each traffic control signal photo-monitoring 31387
device, during the first thirty days the device is monitoring the 31388
intersection, the municipal corporation, county, or township shall 31389
issue only warning notices and shall not issue any ticket or 31390
citation for any violation of the instruction of the red light of 31391

the traffic control signal detected by the device. 31392

A law enforcement officer employed by a municipal corporation, county, or township that adopts an ordinance or resolution of the type described in section 4511.094 of the Revised Code, or an officer or employee of a governmental or nongovernmental entity that is a party to an enforcement contract entered into under section 4511.095 of the Revised Code, may contact the bureau of motor vehicles to obtain pursuant to section 4501.27 of the Revised Code the name and mailing address of the owner of a motor vehicle that commits a violation as described in this section or any information needed to assist in processing, collecting, and enforcing tickets issued relative to, or civil judgments and default judgments entered relative to, any violation described in this section. 31393
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Sec. 4511.097. (A) In addition to the manners provided in section 4521.09 of the Revised Code, the owner of a motor vehicle shall be entitled to establish nonliability for the violation of the instruction of the red light of the traffic control signal that was the subject of an ordinance or resolution of the type described in section 4511.094 of the Revised Code in either of the following manners: 31406
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(1) By establishing that at the time of the violation the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement. This fact may be established by a copy of the written rental or lease agreement or an affidavit stating the name and address of the lessee or renter in possession of the motor vehicle at the time of the violation. 31413
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(2) By establishing that the vehicle was stolen at the time of the violation. This fact may be established by a copy of a law enforcement agency report stating that the vehicle involved was 31420
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reported as being stolen before the time of the violation or an affidavit stating that the vehicle was stolen at the time of the violation. 31423
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(B) A person desiring to establish nonliability under division (A)(1) or (2) of this section may answer the ticket referred to in section 4511.096 of the Revised Code by denying the violation with an explanation. The person shall submit the affidavit or documentary evidence described in division (A)(1) or (2) of this section within sixty days after receipt of the ticket to the court that receives the person's answer. The court that receives the answer shall determine whether the person's explanation, together with any affidavit or documentary evidence, meets the standard set forth in those divisions and notify the person, in writing, of its determination. 31426
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Whenever a court determines under this division that an owner has established nonliability under division (A)(1) of this section, the court shall notify the law enforcement officer who sent the ticket to the owner of that determination and provide the officer with the evidence establishing another individual as the renter or lessee of the motor vehicle and as the motor vehicle's probable operator at the time of the violation of the instruction of the red light of the traffic control signal that was detected by the traffic control signal photo-monitoring device. Upon receipt of this information, the law enforcement officer may issue a ticket for the violation to that renter or lessee and may proceed in the same manner as if the renter or lessee had been originally charged with the violation. That renter or lessee shall be charged with and be liable for the violation to the same extent as if the renter or lessee had been originally charged with the violation. 31437
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Sec. 4511.191. (A) Any person who operates a vehicle upon a 31453

highway or any public or private property used by the public for 31454
vehicular travel or parking within this state shall be deemed to 31455
have given consent to a chemical test or tests of the person's 31456
blood, breath, or urine for the purpose of determining the 31457
alcohol, drug, or alcohol and drug content of the person's blood, 31458
breath, or urine if arrested for operating a vehicle while under 31459
the influence of alcohol, a drug of abuse, or alcohol and a drug 31460
of abuse or for operating a vehicle with a prohibited 31461
concentration of alcohol in the blood, breath, or urine. The 31462
chemical test or tests shall be administered at the request of a 31463
police officer having reasonable grounds to believe the person to 31464
have been operating a vehicle upon a highway or any public or 31465
private property used by the public for vehicular travel or 31466
parking in this state while under the influence of alcohol, a drug 31467
of abuse, or alcohol and a drug of abuse or with a prohibited 31468
concentration of alcohol in the blood, breath, or urine. The law 31469
enforcement agency by which the officer is employed shall 31470
designate which of the tests shall be administered. 31471

(B) Any person who is dead or unconscious, or who is 31472
otherwise in a condition rendering the person incapable of 31473
refusal, shall be deemed not to have withdrawn consent as provided 31474
by division (A) of this section and the test or tests may be 31475
administered, subject to sections 313.12 to 313.16 of the Revised 31476
Code. 31477

(C)(1) Any person under arrest for operating a vehicle while 31478
under the influence of alcohol, a drug of abuse, or alcohol and a 31479
drug of abuse or for operating a vehicle with a prohibited 31480
concentration of alcohol in the blood, breath, or urine shall be 31481
advised at a police station, or at a hospital, first-aid station, 31482
or clinic to which the person has been taken for first-aid or 31483
medical treatment, of both of the following: 31484

(a) The consequences, as specified in division (E) of this 31485

section, of the person's refusal to submit upon request to a 31486
chemical test designated by the law enforcement agency as provided 31487
in division (A) of this section; 31488

(b) The consequences, as specified in division (F) of this 31489
section, of the person's submission to the designated chemical 31490
test if the person is found to have a prohibited concentration of 31491
alcohol in the blood, breath, or urine. 31492

(2)(a) The advice given pursuant to division (C)(1) of this 31493
section shall be in a written form containing the information 31494
described in division (C)(2)(b) of this section and shall be read 31495
to the person. The form shall contain a statement that the form 31496
was shown to the person under arrest and read to the person in the 31497
presence of the arresting officer and either another police 31498
officer, a civilian police employee, or an employee of a hospital, 31499
first-aid station, or clinic, if any, to which the person has been 31500
taken for first-aid or medical treatment. The witnesses shall 31501
certify to this fact by signing the form. 31502

(b) The form required by division (C)(2)(a) of this section 31503
shall read as follows: 31504

"You now are under arrest for operating a vehicle while under 31505
the influence of alcohol, a drug of abuse, or both alcohol and a 31506
drug of abuse and will be requested by a police officer to submit 31507
to a chemical test to determine the concentration of alcohol, 31508
drugs of abuse, or alcohol and drugs of abuse in your blood, 31509
breath, or urine. 31510

If you refuse to submit to the requested test or if you 31511
submit to the requested test and are found to have a prohibited 31512
concentration of alcohol in your blood, breath, or urine, your 31513
driver's or commercial driver's license or permit or nonresident 31514
operating privilege immediately will be suspended for the period 31515
of time specified by law by the officer, on behalf of the 31516

registrar of motor vehicles. You may appeal this suspension at 31517
your initial appearance before the court that hears the charges 31518
against you resulting from the arrest, and your initial appearance 31519
will be conducted no later than five days after the arrest. This 31520
suspension is independent of the penalties for the offense, and 31521
you may be subject to other penalties upon conviction." 31522

(D)(1) If a person under arrest as described in division 31523
(C)(1) of this section is not asked by a police officer to submit 31524
to a chemical test designated as provided in division (A) of this 31525
section, the arresting officer shall seize the Ohio or 31526
out-of-state driver's or commercial driver's license or permit of 31527
the person and immediately forward the seized license or permit to 31528
the court in which the arrested person is to appear on the charge 31529
for which the person was arrested. If the arrested person does not 31530
have the person's driver's or commercial driver's license or 31531
permit on the person's self or in the person's vehicle, the 31532
arresting officer shall order the arrested person to surrender it 31533
to the law enforcement agency that employs the officer within 31534
twenty-four hours after the arrest, and, upon the surrender, the 31535
officer's employing agency immediately shall forward the license 31536
or permit to the court in which the arrested person is to appear 31537
on the charge for which the person was arrested. Upon receipt of 31538
the license or permit, the court shall retain it pending the 31539
initial appearance of the arrested person and any action taken 31540
under section 4511.196 of the Revised Code. 31541

If a person under arrest as described in division (C)(1) of 31542
this section is asked by a police officer to submit to a chemical 31543
test designated as provided in division (A) of this section and is 31544
advised of the consequences of the person's refusal or submission 31545
as provided in division (C) of this section and if the person 31546
either refuses to submit to the designated chemical test or the 31547
person submits to the designated chemical test and the test 31548

results indicate that the person's blood contained a concentration 31549
of ten-hundredths of one per cent or more by weight of alcohol, 31550
the person's breath contained a concentration of ten-hundredths of 31551
one gram or more by weight of alcohol per two hundred ten liters 31552
of the person's breath, or the person's urine contained a 31553
concentration of fourteen-hundredths of one gram or more by weight 31554
of alcohol per one hundred milliliters of the person's urine at 31555
the time of the alleged offense, the arresting officer shall do 31556
all of the following: 31557

(a) On behalf of the registrar, serve a notice of suspension 31558
upon the person that advises the person that, independent of any 31559
penalties or sanctions imposed upon the person pursuant to any 31560
other section of the Revised Code or any other municipal 31561
ordinance, the person's driver's or commercial driver's license or 31562
permit or nonresident operating privilege is suspended, that the 31563
suspension takes effect immediately, that the suspension will last 31564
at least until the person's initial appearance on the charge that 31565
will be held within five days after the date of the person's 31566
arrest or the issuance of a citation to the person, and that the 31567
person may appeal the suspension at the initial appearance; seize 31568
the Ohio or out-of-state driver's or commercial driver's license 31569
or permit of the person; and immediately forward the seized 31570
license or permit to the registrar. If the arrested person does 31571
not have the person's driver's or commercial driver's license or 31572
permit on the person's self or in the person's vehicle, the 31573
arresting officer shall order the person to surrender it to the 31574
law enforcement agency that employs the officer within twenty-four 31575
hours after the service of the notice of suspension, and, upon the 31576
surrender, the officer's employing agency immediately shall 31577
forward the license or permit to the registrar. 31578

(b) Verify the current residence of the person and, if it 31579
differs from that on the person's driver's or commercial driver's 31580

license or permit, notify the registrar of the change; 31581

(c) In addition to forwarding the arrested person's driver's 31582
or commercial driver's license or permit to the registrar, send to 31583
the registrar, within forty-eight hours after the arrest of the 31584
person, a sworn report that includes all of the following 31585
statements: 31586

(i) That the officer had reasonable grounds to believe that, 31587
at the time of the arrest, the arrested person was operating a 31588
vehicle upon a highway or public or private property used by the 31589
public for vehicular travel or parking within this state while 31590
under the influence of alcohol, a drug of abuse, or alcohol and a 31591
drug of abuse or with a prohibited concentration of alcohol in the 31592
blood, breath, or urine; 31593

(ii) That the person was arrested and charged with operating 31594
a vehicle while under the influence of alcohol, a drug of abuse, 31595
or alcohol and a drug of abuse or with operating a vehicle with a 31596
prohibited concentration of alcohol in the blood, breath, or 31597
urine; 31598

(iii) That the officer asked the person to take the 31599
designated chemical test, advised the person of the consequences 31600
of submitting to the chemical test or refusing to take the 31601
chemical test, and gave the person the form described in division 31602
(C)(2) of this section; 31603

(iv) That the person refused to submit to the chemical test 31604
or that the person submitted to the chemical test and the test 31605
results indicate that the person's blood contained a concentration 31606
of ten-hundredths of one per cent or more by weight of alcohol, 31607
the person's breath contained a concentration of ten-hundredths of 31608
one gram or more by weight of alcohol per two hundred ten liters 31609
of the person's breath, or the person's urine contained a 31610
concentration of fourteen-hundredths of one gram or more by weight 31611

of alcohol per one hundred milliliters of the person's urine at 31612
the time of the alleged offense; 31613

(v) That the officer served a notice of suspension upon the 31614
person as described in division (D)(1)(a) of this section. 31615

(2) The sworn report of an arresting officer completed under 31616
division (D)(1)(c) of this section shall be given by the officer 31617
to the arrested person at the time of the arrest or sent to the 31618
person by regular first class mail by the registrar as soon 31619
thereafter as possible, but no later than fourteen days after 31620
receipt of the report. An arresting officer may give an unsworn 31621
report to the arrested person at the time of the arrest provided 31622
the report is complete when given to the arrested person and 31623
subsequently is sworn to by the arresting officer. As soon as 31624
possible, but no later than forty-eight hours after the arrest of 31625
the person, the arresting officer shall send a copy of the sworn 31626
report to the court in which the arrested person is to appear on 31627
the charge for which the person was arrested. 31628

(3) The sworn report of an arresting officer completed and 31629
sent to the registrar and the court under divisions (D)(1)(c) and 31630
(D)(2) of this section is prima-facie proof of the information and 31631
statements that it contains and shall be admitted and considered 31632
as prima-facie proof of the information and statements that it 31633
contains in any appeal under division (H) of this section relative 31634
to any suspension of a person's driver's or commercial driver's 31635
license or permit or nonresident operating privilege that results 31636
from the arrest covered by the report. 31637

(E)(1) Upon receipt of the sworn report of an arresting 31638
officer completed and sent to the registrar and a court pursuant 31639
to divisions (D)(1)(c) and (D)(2) of this section in regard to a 31640
person who refused to take the designated chemical test, the 31641
registrar shall enter into the registrar's records the fact that 31642
the person's driver's or commercial driver's license or permit or 31643

nonresident operating privilege was suspended by the arresting 31644
officer under division (D)(1)(a) of this section and the period of 31645
the suspension, as determined under divisions (E)(1)(a) to (d) of 31646
this section. The suspension shall be subject to appeal as 31647
provided in this section and shall be for whichever of the 31648
following periods applies: 31649

(a) If the arrested person, within five years of the date on 31650
which the person refused the request to consent to the chemical 31651
test, had not refused a previous request to consent to a chemical 31652
test of the person's blood, breath, or urine to determine its 31653
alcohol content, the period of suspension shall be one year. If 31654
the person is a resident without a license or permit to operate a 31655
vehicle within this state, the registrar shall deny to the person 31656
the issuance of a driver's or commercial driver's license or 31657
permit for a period of one year after the date of the alleged 31658
violation. 31659

(b) If the arrested person, within five years of the date on 31660
which the person refused the request to consent to the chemical 31661
test, had refused one previous request to consent to a chemical 31662
test of the person's blood, breath, or urine to determine its 31663
alcohol content, the period of suspension or denial shall be two 31664
years. 31665

(c) If the arrested person, within five years of the date on 31666
which the person refused the request to consent to the chemical 31667
test, had refused two previous requests to consent to a chemical 31668
test of the person's blood, breath, or urine to determine its 31669
alcohol content, the period of suspension or denial shall be three 31670
years. 31671

(d) If the arrested person, within five years of the date on 31672
which the person refused the request to consent to the chemical 31673
test, had refused three or more previous requests to consent to a 31674
chemical test of the person's blood, breath, or urine to determine 31675

its alcohol content, the period of suspension or denial shall be 31676
five years. 31677

(2) The suspension or denial imposed under division (E)(1) of 31678
this section shall continue for the entire one-year, two-year, 31679
three-year, or five-year period, subject to appeal as provided in 31680
this section and subject to termination as provided in division 31681
(K) of this section. 31682

(F) Upon receipt of the sworn report of an arresting officer 31683
completed and sent to the registrar and a court pursuant to 31684
divisions (D)(1)(c) and (D)(2) of this section in regard to a 31685
person whose test results indicate that the person's blood 31686
contained a concentration of ten-hundredths of one per cent or 31687
more by weight of alcohol, the person's breath contained a 31688
concentration of ten-hundredths of one gram or more by weight of 31689
alcohol per two hundred ten liters of the person's breath, or the 31690
person's urine contained a concentration of fourteen-hundredths of 31691
one gram or more by weight of alcohol per one hundred milliliters 31692
of the person's urine at the time of the alleged offense, the 31693
registrar shall enter into the registrar's records the fact that 31694
the person's driver's or commercial driver's license or permit or 31695
nonresident operating privilege was suspended by the arresting 31696
officer under division (D)(1)(a) of this section and the period of 31697
the suspension, as determined under divisions (F)(1) to (4) of 31698
this section. The suspension shall be subject to appeal as 31699
provided in this section and shall be for whichever of the 31700
following periods that applies: 31701

(1) Except when division (F)(2), (3), or (4) of this section 31702
applies and specifies a different period of suspension or denial, 31703
the period of the suspension or denial shall be ninety days. 31704

(2) The period of suspension or denial shall be one year if 31705
the person has been convicted, within six years of the date the 31706
test was conducted, of a violation of one of the following: 31707

(a) Division (A) or (B) of section 4511.19 of the Revised Code;	31708 31709
(b) A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	31710 31711 31712
(c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	31713 31714 31715
(d) Section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	31716 31717 31718
(e) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;	31719 31720 31721
(f) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that at the time of the commission of the offense the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	31722 31723 31724 31725 31726 31727 31728
(g) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code.	31729 31730 31731 31732
(3) If the person has been convicted, within six years of the date the test was conducted, of two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be two years.	31733 31734 31735 31736
(4) If the person has been convicted, within six years of the	31737

date the test was conducted, of more than two violations of a 31738
statute or ordinance described in division (F)(2) of this section, 31739
the period of the suspension or denial shall be three years. 31740

(G)(1) A suspension of a person's driver's or commercial 31741
driver's license or permit or nonresident operating privilege 31742
under division (D)(1)(a) of this section for the period of time 31743
described in division (E) or (F) of this section is effective 31744
immediately from the time at which the arresting officer serves 31745
the notice of suspension upon the arrested person. Any subsequent 31746
finding that the person is not guilty of the charge that resulted 31747
in the person being requested to take, or in the person taking, 31748
the chemical test or tests under division (A) of this section 31749
affects the suspension only as described in division (H)(2) of 31750
this section. 31751

(2) If a person is arrested for operating a vehicle while 31752
under the influence of alcohol, a drug of abuse, or alcohol and a 31753
drug of abuse or for operating a vehicle with a prohibited 31754
concentration of alcohol in the blood, breath, or urine and 31755
regardless of whether the person's driver's or commercial driver's 31756
license or permit or nonresident operating privilege is or is not 31757
suspended under division (E) or (F) of this section, the person's 31758
initial appearance on the charge resulting from the arrest shall 31759
be held within five days of the person's arrest or the issuance of 31760
the citation to the person, subject to any continuance granted by 31761
the court pursuant to division (H)(1) of this section regarding 31762
the issues specified in that division. 31763

(H)(1) If a person is arrested for operating a vehicle while 31764
under the influence of alcohol, a drug of abuse, or alcohol and a 31765
drug of abuse or for operating a vehicle with a prohibited 31766
concentration of alcohol in the blood, breath, or urine and if the 31767
person's driver's or commercial driver's license or permit or 31768
nonresident operating privilege is suspended under division (E) or 31769

(F) of this section, the person may appeal the suspension at the person's initial appearance on the charge resulting from the arrest in the court in which the person will appear on that charge. If the person appeals the suspension at the person's initial appearance, the appeal does not stay the operation of the suspension. Subject to division (H)(2) of this section, no court has jurisdiction to grant a stay of a suspension imposed under division (E) or (F) of this section, and any order issued by any court that purports to grant a stay of any suspension imposed under either of those divisions shall not be given administrative effect.

If the person appeals the suspension at the person's initial appearance, either the person or the registrar may request a continuance of the appeal. Either the person or the registrar shall make the request for a continuance of the appeal at the same time as the making of the appeal. If either the person or the registrar requests a continuance of the appeal, the court may grant the continuance. The court also may continue the appeal on its own motion. The granting of a continuance applies only to the conduct of the appeal of the suspension and does not extend the time within which the initial appearance must be conducted, and the court shall proceed with all other aspects of the initial appearance in accordance with its normal procedures. Neither the request for nor the granting of a continuance stays the operation of the suspension that is the subject of the appeal.

If the person appeals the suspension at the person's initial appearance, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:

(a) Whether the law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle upon a highway or public or private property used by the public for vehicular travel or parking within this state while under the

influence of alcohol, a drug of abuse, or alcohol and a drug of 31802
abuse or with a prohibited concentration of alcohol in the blood, 31803
breath, or urine and whether the arrested person was in fact 31804
placed under arrest; 31805

(b) Whether the law enforcement officer requested the 31806
arrested person to submit to the chemical test designated pursuant 31807
to division (A) of this section; 31808

(c) Whether the arresting officer informed the arrested 31809
person of the consequences of refusing to be tested or of 31810
submitting to the test; 31811

(d) Whichever of the following is applicable: 31812

(i) Whether the arrested person refused to submit to the 31813
chemical test requested by the officer; 31814

(ii) Whether the chemical test results indicate that the 31815
arrested person's blood contained a concentration of 31816
ten-hundredths of one per cent or more by weight of alcohol, the 31817
person's breath contained a concentration of ten-hundredths of one 31818
gram or more by weight of alcohol per two hundred ten liters of 31819
the person's breath, or the person's urine contained a 31820
concentration of fourteen-hundredths of one gram or more by weight 31821
of alcohol per one hundred milliliters of the person's urine at 31822
the time of the alleged offense. 31823

(2) If the person appeals the suspension at the initial 31824
appearance, the judge or referee of the court or the mayor of the 31825
mayor's court shall determine whether one or more of the 31826
conditions specified in divisions (H)(1)(a) to (d) of this section 31827
have not been met. The person who appeals the suspension has the 31828
burden of proving, by a preponderance of the evidence, that one or 31829
more of the specified conditions has not been met. If during the 31830
appeal at the initial appearance the judge or referee of the court 31831
or the mayor of the mayor's court determines that all of those 31832

conditions have been met, the judge, referee, or mayor shall 31833
uphold the suspension, shall continue the suspension, and shall 31834
notify the registrar of the decision on a form approved by the 31835
registrar. Except as otherwise provided in division (H)(2) of this 31836
section, if the suspension is upheld or if the person does not 31837
appeal the suspension at the person's initial appearance under 31838
division (H)(1) of this section, the suspension shall continue 31839
until the complaint alleging the violation for which the person 31840
was arrested and in relation to which the suspension was imposed 31841
is adjudicated on the merits by the judge or referee of the trial 31842
court or by the mayor of the mayor's court. If the suspension was 31843
imposed under division (E) of this section and it is continued 31844
under this division, any subsequent finding that the person is not 31845
guilty of the charge that resulted in the person being requested 31846
to take the chemical test or tests under division (A) of this 31847
section does not terminate or otherwise affect the suspension. If 31848
the suspension was imposed under division (F) of this section and 31849
it is continued under this division, the suspension shall 31850
terminate if, for any reason, the person subsequently is found not 31851
guilty of the charge that resulted in the person taking the 31852
chemical test or tests under division (A) of this section. 31853

If, during the appeal at the initial appearance, the judge or 31854
referee of the trial court or the mayor of the mayor's court 31855
determines that one or more of the conditions specified in 31856
divisions (H)(1)(a) to (d) of this section have not been met, the 31857
judge, referee, or mayor shall terminate the suspension, subject 31858
to the imposition of a new suspension under division (B) of 31859
section 4511.196 of the Revised Code; shall notify the registrar 31860
of the decision on a form approved by the registrar; and, except 31861
as provided in division (B) of section 4511.196 of the Revised 31862
Code, shall order the registrar to return the driver's or 31863
commercial driver's license or permit to the person or to take 31864
such measures as may be necessary, if the license or permit was 31865

destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.

If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court, the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates that mayor's court.

(I)(1)(a) A person is not entitled to request, and a court shall not grant to the person, occupational driving privileges under division (I)(1) of this section if a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (E) of this section, and the person, within the preceding seven years, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of one or more of the following:

(i) Division (A) or (B) of section 4511.19 of the Revised

Code;	31898
(ii) A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	31899 31900 31901
(iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	31902 31903 31904
(iv) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;	31905 31906 31907
(v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;	31908 31909 31910
(vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;	31911 31912 31913 31914 31915 31916 31917
(vii) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code.	31918 31919 31920 31921
(b) Any other person who is not described in division (I)(1)(a) of this section and whose driver's or commercial driver's license or nonresident operating privilege has been suspended pursuant to division (E) of this section may file a petition requesting occupational driving privileges in the common pleas court, municipal court, county court, mayor's court, or, if the person is a minor, juvenile court with jurisdiction over the	31922 31923 31924 31925 31926 31927 31928

related criminal or delinquency case. The petition may be filed at 31929
any time subsequent to the date on which the notice of suspension 31930
is served upon the arrested person. The person shall pay the costs 31931
of the proceeding, notify the registrar of the filing of the 31932
petition, and send the registrar a copy of the petition. 31933

In the proceedings, the registrar shall be represented by the 31934
prosecuting attorney of the county in which the arrest occurred if 31935
the petition is filed in the juvenile court, county court, or 31936
common pleas court, except that, if the arrest occurred within a 31937
city or village within the jurisdiction of the county court in 31938
which the petition is filed, the city director of law or village 31939
solicitor of that city or village shall represent the registrar. 31940
If the petition is filed in the municipal court, the registrar 31941
shall be represented as provided in section 1901.34 of the Revised 31942
Code. If the petition is filed in a mayor's court, the registrar 31943
shall be represented by the city director of law, village 31944
solicitor, or other chief legal officer of the municipal 31945
corporation that operates the mayor's court. 31946

The court, if it finds reasonable cause to believe that 31947
suspension would seriously affect the person's ability to continue 31948
in the person's employment, may grant the person occupational 31949
driving privileges during the period of suspension imposed 31950
pursuant to division (E) of this section, subject to the 31951
limitations contained in this division and division (I)(2) of this 31952
section. The court may grant the occupational driving privileges, 31953
subject to the limitations contained in this division and division 31954
(I)(2) of this section, regardless of whether the person appeals 31955
the suspension at the person's initial appearance under division 31956
(H)(1) of this section or appeals the decision of the court made 31957
pursuant to the appeal conducted at the initial appearance, and, 31958
if the person has appealed the suspension or decision, regardless 31959
of whether the matter at issue has been heard or decided by the 31960

court. The court shall not grant occupational driving privileges 31961
for employment as a driver of commercial motor vehicles to any 31962
person who is disqualified from operating a commercial motor 31963
vehicle under section 3123.611 or 4506.16 of the Revised Code or 31964
whose commercial driver's license or commercial driver's temporary 31965
instruction permit has been suspended under section 3123.58 of the 31966
Revised Code. 31967

(2)(a) In granting occupational driving privileges under 31968
division (I)(1) of this section, the court may impose any 31969
condition it considers reasonable and necessary to limit the use 31970
of a vehicle by the person. The court shall deliver to the person 31971
a permit card, in a form to be prescribed by the court, setting 31972
forth the time, place, and other conditions limiting the 31973
defendant's use of a vehicle. The grant of occupational driving 31974
privileges shall be conditioned upon the person's having the 31975
permit in the person's possession at all times during which the 31976
person is operating a vehicle. 31977

A person granted occupational driving privileges who operates 31978
a vehicle for other than occupational purposes, in violation of 31979
any condition imposed by the court, or without having the permit 31980
in the person's possession, is guilty of a violation of section 31981
4507.02 of the Revised Code. 31982

(b) The court may not grant a person occupational driving 31983
privileges under division (I)(1) of this section when prohibited 31984
by a limitation contained in that division or during any of the 31985
following periods of time: 31986

(i) The first thirty days of suspension imposed upon a person 31987
who, within five years of the date on which the person refused the 31988
request to consent to a chemical test of the person's blood, 31989
breath, or urine to determine its alcohol content and for which 31990
refusal the suspension was imposed, had not refused a previous 31991
request to consent to a chemical test of the person's blood, 31992

breath, or urine to determine its alcohol content; 31993

(ii) The first ninety days of suspension imposed upon a 31994
person who, within five years of the date on which the person 31995
refused the request to consent to a chemical test of the person's 31996
blood, breath, or urine to determine its alcohol content and for 31997
which refusal the suspension was imposed, had refused one previous 31998
request to consent to a chemical test of the person's blood, 31999
breath, or urine to determine its alcohol content; 32000

(iii) The first year of suspension imposed upon a person who, 32001
within five years of the date on which the person refused the 32002
request to consent to a chemical test of the person's blood, 32003
breath, or urine to determine its alcohol content and for which 32004
refusal the suspension was imposed, had refused two previous 32005
requests to consent to a chemical test of the person's blood, 32006
breath, or urine to determine its alcohol content; 32007

(iv) The first three years of suspension imposed upon a 32008
person who, within five years of the date on which the person 32009
refused the request to consent to a chemical test of the person's 32010
blood, breath, or urine to determine its alcohol content and for 32011
which refusal the suspension was imposed, had refused three or 32012
more previous requests to consent to a chemical test of the 32013
person's blood, breath, or urine to determine its alcohol content. 32014

(3) The court shall give information in writing of any action 32015
taken under this section to the registrar. 32016

(4) If a person's driver's or commercial driver's license or 32017
permit or nonresident operating privilege has been suspended 32018
pursuant to division (F) of this section, and the person, within 32019
the preceding seven years, has been convicted of or pleaded guilty 32020
to three or more violations of division (A) or (B) of section 32021
4511.19 of the Revised Code, a municipal ordinance relating to 32022
operating a vehicle while under the influence of alcohol, a drug 32023

of abuse, or alcohol and a drug of abuse, a municipal ordinance 32024
relating to operating a vehicle with a prohibited concentration of 32025
alcohol in the blood, breath, or urine, section 2903.04 of the 32026
Revised Code in a case in which the person was subject to the 32027
sanctions described in division (D) of that section, or section 32028
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 32029
ordinance that is substantially similar to section 2903.07 of the 32030
Revised Code in a case in which the jury or judge found that the 32031
person was under the influence of alcohol, a drug of abuse, or 32032
alcohol and a drug of abuse, or a statute of the United States or 32033
of any other state or a municipal ordinance of a municipal 32034
corporation located in any other state that is substantially 32035
similar to division (A) or (B) of section 4511.19 of the Revised 32036
Code, the person is not entitled to request, and the court shall 32037
not grant to the person, occupational driving privileges under 32038
this division. Any other person whose driver's or commercial 32039
driver's license or nonresident operating privilege has been 32040
suspended pursuant to division (F) of this section may file in the 32041
court specified in division (I)(1)(b) of this section a petition 32042
requesting occupational driving privileges in accordance with 32043
section 4507.16 of the Revised Code. The petition may be filed at 32044
any time subsequent to the date on which the arresting officer 32045
serves the notice of suspension upon the arrested person. Upon the 32046
making of the request, occupational driving privileges may be 32047
granted in accordance with section 4507.16 of the Revised Code. 32048
The court may grant the occupational driving privileges, subject 32049
to the limitations contained in section 4507.16 of the Revised 32050
Code, regardless of whether the person appeals the suspension at 32051
the person's initial appearance under division (H)(1) of this 32052
section or appeals the decision of the court made pursuant to the 32053
appeal conducted at the initial appearance, and, if the person has 32054
appealed the suspension or decision, regardless of whether the 32055
matter at issue has been heard or decided by the court. 32056

(J) When it finally has been determined under the procedures 32057
of this section that a nonresident's privilege to operate a 32058
vehicle within this state has been suspended, the registrar shall 32059
give information in writing of the action taken to the motor 32060
vehicle administrator of the state of the person's residence and 32061
of any state in which the person has a license. 32062

(K) A suspension of the driver's or commercial driver's 32063
license or permit of a resident, a suspension of the operating 32064
privilege of a nonresident, or a denial of a driver's or 32065
commercial driver's license or permit pursuant to division (E) or 32066
(F) of this section shall be terminated by the registrar upon 32067
receipt of notice of the person's entering a plea of guilty to, or 32068
of the person's conviction of, operating a vehicle while under the 32069
influence of alcohol, a drug of abuse, or alcohol and a drug of 32070
abuse or with a prohibited concentration of alcohol in the blood, 32071
breath, or urine, if the offense for which the plea is entered or 32072
that resulted in the conviction arose from the same incident that 32073
led to the suspension or denial. 32074

The registrar shall credit against any judicial suspension of 32075
a person's driver's or commercial driver's license or permit or 32076
nonresident operating privilege imposed pursuant to division (B) 32077
or (E) of section 4507.16 of the Revised Code any time during 32078
which the person serves a related suspension imposed pursuant to 32079
division (E) or (F) of this section. 32080

(L) At the end of a suspension period under this section, 32081
section 4511.196, or division (B) of section 4507.16 of the 32082
Revised Code and upon the request of the person whose driver's or 32083
commercial driver's license or permit was suspended and who is not 32084
otherwise subject to suspension, revocation, or disqualification, 32085
the registrar shall return the driver's or commercial driver's 32086
license or permit to the person upon the person's compliance with 32087
all of the conditions specified in divisions (L)(1) and (2) of 32088

this section: 32089

(1) A showing by the person that the person has proof of 32090
financial responsibility, a policy of liability insurance in 32091
effect that meets the minimum standards set forth in section 32092
4509.51 of the Revised Code, or proof, to the satisfaction of the 32093
registrar, that the person is able to respond in damages in an 32094
amount at least equal to the minimum amounts specified in section 32095
4509.51 of the Revised Code. 32096

(2) Subject to the limitation contained in division (L)(3) of 32097
this section, payment by the person of a license reinstatement fee 32098
of four hundred twenty-five dollars to the bureau of motor 32099
vehicles, which fee shall be deposited in the state treasury and 32100
credited as follows: 32101

(a) One hundred twelve dollars and fifty cents shall be 32102
credited to the statewide treatment and prevention fund created by 32103
section 4301.30 of the Revised Code. The fund shall be used to pay 32104
the costs of driver treatment and intervention programs operated 32105
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 32106
director of alcohol and drug addiction services shall determine 32107
the share of the fund that is to be allocated to alcohol and drug 32108
addiction programs authorized by section 3793.02 of the Revised 32109
Code, and the share of the fund that is to be allocated to 32110
drivers' intervention programs authorized by section 3793.10 of 32111
the Revised Code. 32112

(b) Seventy-five dollars shall be credited to the reparations 32113
fund created by section 2743.191 of the Revised Code. 32114

(c) Thirty-seven dollars and fifty cents shall be credited to 32115
the indigent drivers alcohol treatment fund, which is hereby 32116
established. Except as otherwise provided in division (L)(2)(c) of 32117
this section, moneys in the fund shall be distributed by the 32118
department of alcohol and drug addiction services to the county 32119

indigent drivers alcohol treatment funds, the county juvenile 32120
indigent drivers alcohol treatment funds, and the municipal 32121
indigent drivers alcohol treatment funds that are required to be 32122
established by counties and municipal corporations pursuant to 32123
division (N) of this section, and shall be used only to pay the 32124
cost of an alcohol and drug addiction treatment program attended 32125
by an offender or juvenile traffic offender who is ordered to 32126
attend an alcohol and drug addiction treatment program by a 32127
county, juvenile, or municipal court judge and who is determined 32128
by the county, juvenile, or municipal court judge not to have the 32129
means to pay for attendance at the program or to pay the costs 32130
specified in division (N)(4) of this section in accordance with 32131
that division. Moneys in the fund that are not distributed to a 32132
county indigent drivers alcohol treatment fund, a county juvenile 32133
indigent drivers alcohol treatment fund, or a municipal indigent 32134
drivers alcohol treatment fund under division (N) of this section 32135
because the director of alcohol and drug addiction services does 32136
not have the information necessary to identify the county or 32137
municipal corporation where the offender or juvenile offender was 32138
arrested may be transferred by the director of budget and 32139
management to the statewide treatment and prevention fund created 32140
by section 4301.30 of the Revised Code, upon certification of the 32141
amount by the director of alcohol and drug addiction services. 32142

(d) Seventy-five dollars shall be credited to the Ohio 32143
rehabilitation services commission established by section 3304.12 32144
of the Revised Code, to the services for rehabilitation fund, 32145
which is hereby established. The fund shall be used to match 32146
available federal matching funds where appropriate, and for any 32147
other purpose or program of the commission to rehabilitate people 32148
with disabilities to help them become employed and independent. 32149

(e) ~~Seventy-five~~ Sixty dollars shall be ~~deposited into the~~ 32150
~~state treasury and~~ credited to the ~~drug abuse resistance education~~ 32151

public transportation grant programs fund, which is hereby 32152
established, to be used by the attorney general for the purposes 32153
specified in division (L)(4) of this section department of 32154
transportation to match available federal public transportation 32155
funds and for the department's related operating expenses. 32156

(f) Thirty dollars shall be credited to the state bureau of 32157
motor vehicles fund created by section 4501.25 of the Revised 32158
Code. 32159

(g) Twenty dollars shall be credited to the trauma and 32160
emergency medical services grants fund created by section 4513.263 32161
of the Revised Code. 32162

(h) Fifteen dollars shall be credited to the public safety 32163
investigative unit fund, which is hereby established, to be used 32164
by the department of public safety investigative unit for the 32165
enforcement of the laws and rules described in division (B)(1) of 32166
section 5502.14 of the Revised Code. 32167

(3) If a person's driver's or commercial driver's license or 32168
permit is suspended under division (E) or (F) of this section, 32169
section 4511.196, or division (B) of section 4507.16 of the 32170
Revised Code, or any combination of the suspensions described in 32171
division (L)(3) of this section, and if the suspensions arise from 32172
a single incident or a single set of facts and circumstances, the 32173
person is liable for payment of, and shall be required to pay to 32174
the bureau, only one reinstatement fee of four hundred five 32175
dollars. The reinstatement fee shall be distributed by the bureau 32176
in accordance with division (L)(2) of this section. 32177

~~(4) The attorney general shall use amounts in the drug abuse~~ 32178
~~resistance education programs fund to award grants to law~~ 32179
~~enforcement agencies to establish and implement drug abuse~~ 32180
~~resistance education programs in public schools. Grants awarded to~~ 32181
~~a law enforcement agency under division (L)(2)(c) of this section~~ 32182

~~shall be used by the agency to pay for not more than fifty per 32183
cent of the amount of the salaries of law enforcement officers who 32184
conduct drug abuse resistance education programs in public 32185
schools. The attorney general shall not use more than six per cent 32186
of the amounts the attorney general's office receives under 32187
division (L)(2)(e) of this section to pay the costs it incurs in 32188
administering the grant program established by division (L)(2)(e) 32189
of this section and in providing training and materials relating 32190
to drug abuse resistance education programs. 32191~~

~~The attorney general shall report to the governor and the 32192
general assembly each fiscal year on the progress made in 32193
establishing and implementing drug abuse resistance education 32194
programs. These reports shall include an evaluation of the 32195
effectiveness of these programs. 32196~~

(M) Suspension of a commercial driver's license under 32197
division (E) or (F) of this section shall be concurrent with any 32198
period of disqualification under section 3123.611 or 4506.16 of 32199
the Revised Code or any period of suspension under section 3123.58 32200
of the Revised Code. No person who is disqualified for life from 32201
holding a commercial driver's license under section 4506.16 of the 32202
Revised Code shall be issued a driver's license under Chapter 32203
4507. of the Revised Code during the period for which the 32204
commercial driver's license was suspended under division (E) or 32205
(F) of this section, and no person whose commercial driver's 32206
license is suspended under division (E) or (F) of this section 32207
shall be issued a driver's license under that chapter during the 32208
period of the suspension. 32209

(N)(1) Each county shall establish an indigent drivers 32210
alcohol treatment fund, each county shall establish a juvenile 32211
indigent drivers alcohol treatment fund, and each municipal 32212
corporation in which there is a municipal court shall establish an 32213
indigent drivers alcohol treatment fund. All revenue that the 32214

general assembly appropriates to the indigent drivers alcohol 32215
treatment fund for transfer to a county indigent drivers alcohol 32216
treatment fund, a county juvenile indigent drivers alcohol 32217
treatment fund, or a municipal indigent drivers alcohol treatment 32218
fund, all portions of fees that are paid under division (L) of 32219
this section and that are credited under that division to the 32220
indigent drivers alcohol treatment fund in the state treasury for 32221
a county indigent drivers alcohol treatment fund, a county 32222
juvenile indigent drivers alcohol treatment fund, or a municipal 32223
indigent drivers alcohol treatment fund, and all portions of fines 32224
that are specified for deposit into a county or municipal indigent 32225
drivers alcohol treatment fund by section 4511.193 of the Revised 32226
Code shall be deposited into that county indigent drivers alcohol 32227
treatment fund, county juvenile indigent drivers alcohol treatment 32228
fund, or municipal indigent drivers alcohol treatment fund in 32229
accordance with division (N)(2) of this section. Additionally, all 32230
portions of fines that are paid for a violation of section 4511.19 32231
of the Revised Code or division (B)(2) of section 4507.02 of the 32232
Revised Code, and that are required under division (A)(1), (2), 32233
(5), or (6) of section 4511.99 or division (B)(5) of section 32234
4507.99 of the Revised Code to be deposited into a county indigent 32235
drivers alcohol treatment fund or municipal indigent drivers 32236
alcohol treatment fund shall be deposited into the appropriate 32237
fund in accordance with the applicable division. 32238

(2) That portion of the license reinstatement fee that is 32239
paid under division (L) of this section and that is credited under 32240
that division to the indigent drivers alcohol treatment fund shall 32241
be deposited into a county indigent drivers alcohol treatment 32242
fund, a county juvenile indigent drivers alcohol treatment fund, 32243
or a municipal indigent drivers alcohol treatment fund as follows: 32244

(a) If the suspension in question was imposed under this 32245
section, that portion of the fee shall be deposited as follows: 32246

(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) If the suspension in question was imposed under division (B) of section 4507.16 of the Revised Code, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a

person who is convicted of, or found to be a juvenile traffic 32278
offender by reason of, a violation of division (A) of section 32279
4511.19 of the Revised Code or a substantially similar municipal 32280
ordinance, who is ordered by the court to attend the alcohol and 32281
drug addiction treatment program, and who is determined by the 32282
court to be unable to pay the cost of attendance at the treatment 32283
program or for payment of the costs specified in division (N)(4) 32284
of this section in accordance with that division. The alcohol and 32285
drug addiction services board or the board of alcohol, drug 32286
addiction, and mental health services established pursuant to 32287
section 340.02 or 340.021 of the Revised Code and serving the 32288
alcohol, drug addiction, and mental health service district in 32289
which the court is located shall administer the indigent drivers 32290
alcohol treatment program of the court. When a court orders an 32291
offender or juvenile traffic offender to attend an alcohol and 32292
drug addiction treatment program, the board shall determine which 32293
program is suitable to meet the needs of the offender or juvenile 32294
traffic offender, and when a suitable program is located and space 32295
is available at the program, the offender or juvenile traffic 32296
offender shall attend the program designated by the board. A 32297
reasonable amount not to exceed five per cent of the amounts 32298
credited to and deposited into the county indigent drivers alcohol 32299
treatment fund, the county juvenile indigent drivers alcohol 32300
treatment fund, or the municipal indigent drivers alcohol 32301
treatment fund serving every court whose program is administered 32302
by that board shall be paid to the board to cover the costs it 32303
incurs in administering those indigent drivers alcohol treatment 32304
programs. 32305

(4) If a county, juvenile, or municipal court determines, in 32306
consultation with the alcohol and drug addiction services board or 32307
the board of alcohol, drug addiction, and mental health services 32308
established pursuant to section 340.02 or 340.021 of the Revised 32309
Code and serving the alcohol, drug addiction, and mental health 32310

district in which the court is located, that the funds in the 32311
county indigent drivers alcohol treatment fund, the county 32312
juvenile indigent drivers alcohol treatment fund, or the municipal 32313
indigent drivers alcohol treatment fund under the control of the 32314
court are more than sufficient to satisfy the purpose for which 32315
the fund was established, as specified in divisions (N)(1) to (3) 32316
of this section, the court may declare a surplus in the fund. If 32317
the court declares a surplus in the fund, the court may expend the 32318
amount of the surplus in the fund for alcohol and drug abuse 32319
assessment and treatment of persons who are charged in the court 32320
with committing a criminal offense or with being a delinquent 32321
child or juvenile traffic offender and in relation to whom both of 32322
the following apply: 32323

(a) The court determines that substance abuse was a 32324
contributing factor leading to the criminal or delinquent activity 32325
or the juvenile traffic offense with which the person is charged. 32326

(b) The court determines that the person is unable to pay the 32327
cost of the alcohol and drug abuse assessment and treatment for 32328
which the surplus money will be used. 32329

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 32330
trackless trolley upon meeting or overtaking from either direction 32331
any school bus stopped for the purpose of receiving or discharging 32332
any school child, person attending programs offered by community 32333
boards of mental health and county boards of mental retardation 32334
and developmental disabilities, or child attending a program 32335
offered by a head start agency, shall stop at least ten feet from 32336
the front or rear of the school bus and shall not proceed until 32337
such school bus resumes motion, or until signaled by the school 32338
bus driver to proceed. 32339

It is no defense to a charge under this division that the 32340
school bus involved failed to display or be equipped with an 32341

automatically extended stop warning sign as required by division 32342
(B) of this section. 32343

(B) Every school bus shall be equipped with amber and red 32344
visual signals meeting the requirements of section 4511.771 of the 32345
Revised Code, and an automatically extended stop warning sign of a 32346
type approved by the state board of education, which shall be 32347
actuated by the driver of the bus whenever but only whenever the 32348
bus is stopped or stopping on the roadway for the purpose of 32349
receiving or discharging school children, persons attending 32350
programs offered by community boards of mental health and county 32351
boards of mental retardation and developmental disabilities, or 32352
children attending programs offered by head start agencies. A 32353
school bus driver shall not actuate the visual signals or the stop 32354
warning sign in designated school bus loading areas where the bus 32355
is entirely off the roadway or at school buildings when children 32356
or persons attending programs offered by community boards of 32357
mental health and county boards of mental retardation and 32358
developmental disabilities are loading or unloading at curbside or 32359
at buildings when children attending programs offered by head 32360
start agencies are loading or unloading at curbside. The visual 32361
signals and stop warning sign shall be synchronized or otherwise 32362
operated as required by rule of the board. 32363

(C) Where a highway has been divided into four or more 32364
traffic lanes, a driver of a vehicle, streetcar, or trackless 32365
trolley need not stop for a school bus approaching from the 32366
opposite direction which has stopped for the purpose of receiving 32367
or discharging any school child, persons attending programs 32368
offered by community boards of mental health and county boards of 32369
mental retardation and developmental disabilities, or children 32370
attending programs offered by head start agencies. The driver of 32371
any vehicle, streetcar, or trackless trolley overtaking the school 32372
bus shall comply with division (A) of this section. 32373

(D) School buses operating on divided highways or on highways 32374
with four or more traffic lanes shall receive and discharge all 32375
school children, persons attending programs offered by community 32376
boards of mental health and county boards of mental retardation 32377
and developmental disabilities, and children attending programs 32378
offered by head start agencies on their residence side of the 32379
highway. 32380

(E) No school bus driver shall start the driver's bus until 32381
after any child, person attending programs offered by community 32382
boards of mental health and county boards of mental retardation 32383
and developmental disabilities, or child attending a program 32384
offered by a head start agency who may have alighted therefrom has 32385
reached a place of safety on the child's or person's residence 32386
side of the road. 32387

(F) As used in this section: 32388

(1) "Head start agency" has the same meaning as in ~~division~~ 32389
~~(A)(1)~~ of section 3301.31 of the Revised Code. 32390

(2) "School bus," as used in relation to children who attend 32391
a program offered by a head start agency, means a bus that is 32392
owned and operated by a head start agency, is equipped with an 32393
automatically extended stop warning sign of a type approved by the 32394
state board of education, is painted the color and displays the 32395
markings described in section 4511.77 of the Revised Code, and is 32396
equipped with amber and red visual signals meeting the 32397
requirements of section 4511.771 of the Revised Code, irrespective 32398
of whether or not the bus has fifteen or more children aboard at 32399
any time. "School bus" does not include a van owned and operated 32400
by a head start agency, irrespective of its color, lights, or 32401
markings. 32402

Sec. 4561.18. Applications for the licensing and registration 32403

of aircraft shall be made and signed by the owner thereof upon 32404
forms prepared by the department of transportation and shall 32405
contain a description of the aircraft, including its federal 32406
registration number, and such other information as is required by 32407
the department. 32408

Applications shall be filed with the director of 32409
transportation during the month of January, annually and shall be 32410
renewed according to the standard renewal procedure of sections 32411
4745.01 to 4745.03 of the Revised Code. Application for 32412
registration of any aircraft not previously registered in this 32413
state, if such aircraft is acquired or becomes subject to such 32414
license tax subsequent to the last day of January in any year, 32415
shall be made for the balance of the year in which the same is 32416
acquired, within forty-eight hours after such acquisition or after 32417
becoming subject to such license tax. Each such application shall 32418
be accompanied by the proper license tax, which shall be at the 32419
~~following rates: For, for~~ aircraft other than gliders, ~~listed by~~ 32420
~~the manufacturer thereof as having a maximum seating capacity of~~ 32421
~~either one or two persons, six dollars annually; three persons,~~ 32422
~~eight dollars annually; four persons, twelve dollars annually;~~ 32423
~~five persons, fifteen dollars annually; over five persons, fifteen~~ 32424
~~dollars plus five dollars for each person in excess thereof,~~ 32425
~~annually; and shall be at the annual rate of one hundred dollars~~ 32426
~~per aircraft. The license tax for gliders, shall be~~ three dollars 32427
annually. 32428

Such taxes are in lieu of all other taxes on or with respect 32429
to ownership of such aircraft. 32430

Sec. 4561.21. (A) The director of transportation shall 32431
deposit all ~~license taxes and~~ transfer fees in the state treasury 32432
to the credit of the general fund. 32433

(B) The director shall deposit all license taxes in the state 32434

treasury to the credit of the county airport maintenance 32435
assistance fund, which is hereby created. Money in the fund shall 32436
be used to assist counties in maintaining the airports they own, 32437
and the director shall distribute the money to counties in 32438
accordance with such procedures, guidelines, and criteria as the 32439
director shall establish. 32440

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as 32441
auction companies under former section 4707.071 of the Revised 32442
Code shall comply with all provisions of this chapter that are 32443
applicable to auctioneers except as provided in divisions (B) and 32444
(C) of this section. Such persons, however, do not have to serve 32445
an apprenticeship or attend a course of study under section 32446
4707.09 of the Revised Code or submit to an examination under 32447
section 4707.08 of the Revised Code as long as they do not engage 32448
in the calling for, recognition of, and the acceptance of, offers 32449
for the purchase of personal property at auction and do not 32450
conduct auctions at any location other than the definite place of 32451
business required in section 4707.14 of the Revised Code. 32452

(B) The principal owner of each auction company ~~which~~ that is 32453
licensed as of May 1, 1991, who pays the annual renewal fee 32454
specified in division ~~(A)~~(B) of section 4707.10 of the Revised 32455
Code during the first renewal period following May 1, 1991, shall 32456
be issued a special auctioneer's license, for the sale of personal 32457
property subject to division (A) of this section. Each principal 32458
owner shall apply for an annual license. In applying for an annual 32459
license, each person licensed as an auction company on May 1, 32460
1991, shall designate an individual as principal owner by 32461
submitting documentation substantiating that the individual is in 32462
fact the principal owner and shall identify a definite place of 32463
business as required in section 4707.14 of the Revised Code. A 32464
person licensed as an auctioneer shall not be entitled to a 32465
special auctioneer's license. 32466

(C) A special auctioneer's license issued under this section 32467
to the principal owner of a former auction company does not 32468
entitle the principal owner or former auction company to conduct 32469
auctions at any location other than the definite place of business 32470
required in section 4707.14 of the Revised Code. Notwithstanding 32471
section 4707.10 of the Revised Code, the department of agriculture 32472
shall not issue a new special auctioneer's license if the definite 32473
place of business identified by the licensee in the licensee's 32474
initial application for a special auctioneer license has changed 32475
or if the name under which the licensee is doing business has 32476
changed. No person other than an owner, officer, member, or agent 32477
of the former auction company who personally has passed the 32478
examination prescribed in section 4707.08 of the Revised Code and 32479
been licensed as an auctioneer shall engage in the calling for, 32480
recognition of, and the acceptance of, offers for the purchase of 32481
real or personal property, goods, or chattels at auction in 32482
connection with a former auction company that has been issued a 32483
special auctioneer's license. 32484

(D) A person licensed as a special auctioneer shall not 32485
engage in the sale of real property at auction. 32486

Sec. 4707.072. (A) For purposes of this section, the 32487
department of agriculture shall adopt rules in accordance with 32488
section 4707.19 of the Revised Code prescribing the fee that a 32489
license applicant must pay. Until those rules are adopted, a 32490
license applicant shall pay the fee established in this section. 32491

(B) The department ~~of agriculture~~ may grant one-auction 32492
licenses to any nonresident person deemed qualified by the 32493
department. Any person who applies for a one-auction license shall 32494
attest, on forms provided by the department, and furnish to the 32495
department, satisfactory proof that the license applicant or any 32496
auctioneer affiliated with the applicant meets the following 32497

requirements:	32498
(A) (1) Has a good reputation;	32499
(B) (2) Is of trustworthy character;	32500
(C) (3) Has attained the age of at least eighteen years;	32501
(D) (4) Has a general knowledge of the requirements of the	32502
Revised Code relative to auctioneers, the auction profession, and	32503
the principles involved in conducting an auction;	32504
(E) (5) Has two years of professional auctioneering experience	32505
immediately preceding the date of application and the experience	32506
includes the personal conduct by the applicant of at least twelve	32507
auction sales in any state, or has met the requirements of section	32508
4707.12 of the Revised Code;	32509
(F) (6) Has paid a fee of one hundred dollars, which shall be	32510
credited to the auctioneers fund;	32511
(G) (7) Has provided proof of financial responsibility as	32512
required under section 4707.11 of the Revised Code in the form of	32513
either an irrevocable letter of credit or a cash bond or a surety	32514
bond in the amount of fifty thousand dollars. If the applicant	32515
gives a surety bond, the bond shall be executed by a surety	32516
company authorized to do business in this state. A bond shall be	32517
made to the department and shall be conditioned that the applicant	32518
shall comply with this chapter and rules adopted under it,	32519
including refraining from conduct described in section 4707.15 of	32520
the Revised Code. All bonds shall be on a form approved by the	32521
director of agriculture.	32522
Sec. 4707.10. (A) <u>For purposes of this section, the</u>	32523
<u>department of agriculture shall adopt rules in accordance with</u>	32524
<u>section 4707.19 of the Revised Code prescribing fees that</u>	32525
<u>licensees must pay and license renewal deadlines and procedures</u>	32526
<u>with which licensees must comply. Until those rules are adopted,</u>	32527

licensees shall pay the fees and comply with the license renewal 32528
deadlines and procedures established in this section. 32529

(B) The fee for each auctioneer's, apprentice auctioneer's, 32530
or special auctioneer's license issued by the department of 32531
~~agriculture~~ is one hundred dollars, and the annual renewal fee for 32532
any such license is one hundred dollars. All licenses expire 32533
annually on the last day of June of each year and shall be renewed 32534
according to the standard renewal procedures of Chapter 4745. of 32535
the Revised Code, or the procedures of this section. Any licensee 32536
under this chapter who wishes to renew the licensee's license, but 32537
fails to do so before the first day of July shall reapply for 32538
licensure in the same manner and pursuant to the same requirements 32539
as for initial licensure, unless before the first day of September 32540
of the year of expiration, the former licensee pays to the 32541
department, in addition to the regular renewal fee, a late renewal 32542
penalty of one hundred dollars. 32543

~~(B)~~(C) Any person who fails to renew the person's license 32544
before the first day of July is prohibited from engaging in any 32545
activity specified or comprehended in section 4707.01 of the 32546
Revised Code until such time as the person's license is renewed or 32547
a new license is issued. Renewal of a license between the first 32548
day of July and the first day of September does not relieve any 32549
person from complying with this division. The department may 32550
refuse to renew the license of or issue a new license to any 32551
person who violates this division. 32552

~~(C)~~(D) The department shall prepare and deliver to each 32553
licensee a permanent license certificate and an ~~annual renewal~~ 32554
identification card, the appropriate portion of which shall be 32555
carried on the person of the licensee at all times when engaged in 32556
any type of auction activity, and part of which shall be posted 32557
with the permanent certificate in a conspicuous location at the 32558
licensee's place of business. 32559

~~(D)~~(E) Notice in writing shall be given to the department by 32560
each auctioneer or apprentice auctioneer licensee of any change of 32561
principal business location or any change or addition to the name 32562
or names under which business is conducted, whereupon the 32563
department shall issue a new license for the unexpired period. Any 32564
change of business location or change or addition of names without 32565
notification to the department shall automatically cancel any 32566
license previously issued. For each new auctioneer or apprentice 32567
auctioneer license issued upon the occasion of a change in 32568
business location or a change in or an addition of names under 32569
which business is conducted, the department may collect a fee of 32570
ten dollars for each change in location, or name or each added 32571
name unless the notification of the change occurs concurrently 32572
with the renewal application. 32573

Sec. 4707.24. Except for the purposes of divisions (A) and 32574
(B) of section 4707.25 of the Revised Code, sections 4707.25 to 32575
4707.31 of the Revised Code do not apply with respect to a license 32576
issued under section 4707.072 of the Revised Code. 32577

Sec. 4709.12. (A) The barber board shall charge and collect 32578
the following fees: 32579

(1) For the application to take the barber examination, ~~sixty~~ 32580
ninety dollars; 32581

(2) For an application to retake any part of the barber 32582
examination, ~~thirty~~ forty-five dollars; 32583

(3) For the initial issuance of a license to practice as a 32584
barber, ~~twenty~~ thirty dollars; 32585

(4) For the biennial renewal of the license to practice as a 32586
barber, ~~seventy-five~~ one hundred ten dollars; 32587

(5) For the restoration of an expired barber license, one 32588

hundred dollars, and forty <u>seventy-five</u> dollars for each lapsed	32589
year, provided that the total fee shall not exceed four <u>six</u>	32590
hundred sixty <u>ninety</u> dollars;	32591
(6) For the issuance of a duplicate barber or shop license,	32592
thirty <u>forty-five</u> dollars;	32593
(7) For the inspection of a new barber shop, change of	32594
ownership, or reopening of premises or facilities formerly	32595
operated as a barber shop, and issuance of a shop license,	32596
seventy-five <u>one hundred ten</u> dollars;	32597
(8) For the biennial renewal of a barber shop license, fifty	32598
<u>seventy-five</u> dollars;	32599
(9) For the restoration of a barber shop license,	32600
seventy-five <u>one hundred ten</u> dollars;	32601
(10) For each inspection of premises for location of a new	32602
barber school, or each inspection of premises for relocation of a	32603
currently licensed barber school, five <u>seven</u> hundred <u>fifty</u>	32604
dollars;	32605
(11) For the initial barber school license, five hundred <u>one</u>	32606
<u>thousand</u> dollars, and five hundred <u>one thousand</u> dollars for the	32607
renewal of the license;	32608
(12) For the restoration of a barber school license, six	32609
hundred <u>one thousand</u> dollars;	32610
(13) For the issuance of a student registration, twenty-five	32611
<u>forty</u> dollars;	32612
(14) For the examination and issuance of a biennial teacher	32613
or assistant teacher license, one hundred twenty-five <u>eighty-five</u>	32614
dollars;	32615
(15) For the renewal of a biennial teacher or assistant	32616
teacher license, one hundred <u>fifty</u> dollars;	32617
(16) For the restoration of an expired teacher or assistant	32618

~~teacher~~ license, ~~one~~ two hundred ~~fifty~~ twenty-five dollars, and 32619
~~forty~~ sixty dollars for each lapsed year, provided that the total 32620
fee shall not exceed ~~three~~ four hundred fifty dollars; 32621

(17) For the issuance of a barber license by reciprocity 32622
pursuant to section 4709.08 of the Revised Code, ~~two~~ three hundred 32623
dollars; 32624

(18) For providing licensure information concerning an 32625
applicant, upon written request of the applicant, ~~twenty-five~~ 32626
forty dollars. 32627

(B) The board, subject to the approval of the controlling 32628
board, may establish fees in excess of the amounts provided in 32629
this section, provided that the fees do not exceed the amounts 32630
permitted by this section by more than fifty per cent. 32631

Sec. 4717.07. (A) The board of embalmers and funeral 32632
directors shall charge and collect the following fees: 32633

(1) For the issuance of an initial embalmer's or funeral 32634
director's license, ~~five~~ one hundred forty dollars; 32635

(2) For the issuance of an embalmer or funeral director 32636
registration, twenty-five dollars; 32637

(3) For filing an embalmer or funeral director certificate of 32638
apprenticeship, ten dollars; 32639

(4) For the application to take the examination for a license 32640
to practice as an embalmer or funeral director, or to retake a 32641
section of the examination, thirty-five dollars; 32642

(5) For the biennial renewal of an embalmer's or funeral 32643
director's license, one hundred ~~twenty~~ forty dollars; 32644

(6) For the initial issuance of a license to operate a 32645
funeral home, ~~one~~ two hundred ~~twenty-five~~ fifty dollars and 32646
biennial renewal of a license to operate a funeral home, two 32647

hundred fifty dollars; 32648

(7) For the reinstatement of a lapsed embalmer's or funeral 32649
director's license, the renewal fee prescribed in division (A)(5) 32650
of this section plus fifty dollars for each month or portion of a 32651
month the license is lapsed until reinstatement; 32652

(8) For the reinstatement of a lapsed license to operate a 32653
funeral home, the renewal fee prescribed in division (A)(6) of 32654
this section plus fifty dollars for each month or portion of a 32655
month the license is lapsed until reinstatement; 32656

(9) For the initial issuance of a license to operate an 32657
embalming facility, ~~one~~ two hundred dollars and biennial renewal 32658
of a license to operate an embalming facility, two hundred 32659
dollars; 32660

(10) For the reinstatement of a lapsed license to operate an 32661
embalming facility, the renewal fee prescribed in division (A)(9) 32662
of this section plus fifty dollars for each month or portion of a 32663
month the license is lapsed until reinstatement; 32664

(11) For the initial issuance of a license to operate a 32665
crematory facility, ~~one~~ two hundred dollars and biennial renewal 32666
of a license to operate a crematory facility, two hundred dollars; 32667

(12) For the reinstatement of a lapsed license to operate a 32668
crematory facility, the renewal fee prescribed in division (A)(11) 32669
of this section plus fifty dollars for each month or portion of a 32670
month the license is lapsed until reinstatement; 32671

(13) For the issuance of a duplicate of a license issued 32672
under this chapter, four dollars. 32673

(B) In addition to the fees set forth in division (A) of this 32674
section, an applicant shall pay the examination fee assessed by 32675
any examining agency the board uses for any section of an 32676
examination required under this chapter. 32677

(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. 4717.09. (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 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) or (E) 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 32709

(E) A licensee who has been an embalmer or a funeral director 32710
for not less than fifty years and is not actually in charge of an 32711
embalming facility or funeral home may apply to the board for an 32712
exemption. 32713

(F) The board shall determine, by rule, the procedures for 32714
applying for a waiver or an exemption from continuing education 32715
requirements under this section and under what conditions a waiver 32716
or an exemption may be granted. 32717

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 32718
the Revised Code: 32719

(1) "Affiliate" means a business entity that is owned by, 32720
operated by, controlled by, or under common control with another 32721
business entity. 32722

(2) "Communication" means a written or oral notification or 32723
advertisement that meets both of the following criteria, as 32724
applicable: 32725

(a) The notification or advertisement is transmitted by or on 32726
behalf of the seller of goods or services and by or through any 32727
printed, audio, video, cinematic, telephonic, or electronic means. 32728

(b) In the case of a notification or advertisement other than 32729
by telephone, either of the following conditions is met: 32730

(i) The notification or advertisement is followed by a 32731
telephone call from a telephone solicitor or salesperson. 32732

(ii) The notification or advertisement invites a response by 32733
telephone, and, during the course of that response, a telephone 32734
solicitor or salesperson attempts to make or makes a sale of goods 32735
or services. As used in division (A)(2)(b)(ii) of this section, 32736
"invites a response by telephone" excludes the mere listing or 32737
inclusion of a telephone number in a notification or 32738

advertisement. 32739

(3) "Gift, award, or prize" means anything of value that is 32740
offered or purportedly offered, or given or purportedly given by 32741
chance, at no cost to the receiver and with no obligation to 32742
purchase goods or services. As used in this division, "chance" 32743
includes a situation in which a person is guaranteed to receive an 32744
item and, at the time of the offer or purported offer, the 32745
telephone solicitor does not identify the specific item that the 32746
person will receive. 32747

(4) "Goods or services" means any real property or any 32748
tangible or intangible personal property, or services of any kind 32749
provided or offered to a person. "Goods or services" includes, but 32750
is not limited to, advertising; labor performed for the benefit of 32751
a person; personal property intended to be attached to or 32752
installed in any real property, regardless of whether it is so 32753
attached or installed; timeshare estates or licenses; and extended 32754
service contracts. 32755

(5) "Purchaser" means a person that is solicited to become or 32756
does become financially obligated as a result of a telephone 32757
solicitation. 32758

(6) "Salesperson" means an individual who is employed, 32759
appointed, or authorized by a telephone solicitor to make 32760
telephone solicitations but does not mean any of the following: 32761

(a) An individual who comes within one of the exemptions in 32762
division (B) of this section; 32763

(b) An individual employed, appointed, or authorized by a 32764
person who comes within one of the exemptions in division (B) of 32765
this section; 32766

(c) An individual under a written contract with a person who 32767
comes within one of the exemptions in division (B) of this 32768
section, if liability for all transactions with purchasers is 32769

assumed by the person so exempted. 32770

(7) "Telephone solicitation" means a communication to a 32771
person that meets both of the following criteria: 32772

(a) The communication is initiated by or on behalf of a 32773
telephone solicitor or by a salesperson. 32774

(b) The communication either represents a price or the 32775
quality or availability of goods or services or is used to induce 32776
the person to purchase goods or services, including, but not 32777
limited to, inducement through the offering of a gift, award, or 32778
prize. 32779

(8) "Telephone solicitor" means a person that engages in 32780
telephone solicitation directly or through one or more 32781
salespersons either from a location in this state, or from a 32782
location outside this state to persons in this state. "Telephone 32783
solicitor" includes, but is not limited to, any such person that 32784
is an owner, operator, officer, or director of, partner in, or 32785
other individual engaged in the management activities of, a 32786
business. 32787

(B) A telephone solicitor is exempt from the provisions of 32788
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 32789
Code if the telephone solicitor is any one of the following: 32790

(1) A person engaging in a telephone solicitation that is a 32791
one-time or infrequent transaction not done in the course of a 32792
pattern of repeated transactions of a like nature; 32793

(2) A person engaged in telephone solicitation solely for 32794
religious or political purposes; a charitable organization, 32795
fund-raising counsel, or professional solicitor in compliance with 32796
the registration and reporting requirements of Chapter 1716. of 32797
the Revised Code; or any person or other entity exempt under 32798
section 1716.03 of the Revised Code from filing a registration 32799
statement under section 1716.02 of the Revised Code; 32800

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited

circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit. 32832
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(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply: 32834
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(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 32836
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(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system; 32840
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(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4). 32843
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(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary. 32845
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(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et. seq. and the registration or temporary registration has not expired or been suspended or revoked; 32855
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(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a 32860
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full refund within thirty days to a purchaser who returns the 32863
merchandise or if the person solicits the sale on behalf of a 32864
membership club operating in compliance with regulations adopted 32865
by the federal trade commission in 16 C.F.R. 425; 32866

(9) A supervised financial institution or its subsidiary. As 32867
used in division (B)(9) of this section, "supervised financial 32868
institution" means a bank, trust company, savings and loan 32869
association, savings bank, credit union, industrial loan company, 32870
consumer finance lender, commercial finance lender, or institution 32871
described in section 2(c)(2)(F) of the "Bank Holding Company Act 32872
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 32873
official or agency of the United States, this state, or any other 32874
state of the United States; or a licensee or registrant under 32875
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 32876
1321.83 of the Revised Code. 32877

(10)(a) An insurance company, association, or other 32878
organization that is licensed or authorized to conduct business in 32879
this state by the superintendent of insurance pursuant to Title 32880
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 32881
when soliciting within the scope of its license or authorization. 32882

(b) A licensed insurance broker, agent, or solicitor when 32883
soliciting within the scope of the person's license. As used in 32884
division (B)(10)(b) of this section, "licensed insurance broker, 32885
agent, or solicitor" means any person licensed as an insurance 32886
broker, agent, or solicitor by the superintendent of insurance 32887
pursuant to Title XXXIX of the Revised Code. 32888

(11) A person soliciting the sale of services provided by a 32889
cable television system operating under authority of a 32890
governmental franchise or permit; 32891

(12) A person soliciting a business-to-business sale under 32892
which any of the following conditions are met: 32893

(a) The telephone solicitor has been operating continuously 32894
for at least three years under the same business name under which 32895
it solicits purchasers, and at least fifty-one per cent of its 32896
gross dollar volume of sales consists of repeat sales to existing 32897
customers to whom it has made sales under the same business name. 32898

(b) The purchaser business intends to resell the goods 32899
purchased. 32900

(c) The purchaser business intends to use the goods or 32901
services purchased in a recycling, reuse, manufacturing, or 32902
remanufacturing process. 32903

(d) The telephone solicitor is a publisher of a periodical or 32904
of magazines distributed as controlled circulation publications as 32905
defined in division (CC) of section 5739.01 of the Revised Code 32906
and is soliciting sales of advertising, subscriptions, reprints, 32907
lists, information databases, conference participation or 32908
sponsorships, trade shows or media products related to the 32909
periodical or magazine, or other publishing services provided by 32910
the controlled circulation publication. 32911

(13) A person that, not less often than once each year, 32912
publishes and delivers to potential purchasers a catalog that 32913
complies with both of the following: 32914

(a) It includes all of the following: 32915

(i) The business address of the seller; 32916

(ii) A written description or illustration of each good or 32917
service offered for sale; 32918

(iii) A clear and conspicuous disclosure of the sale price of 32919
each good or service; shipping, handling, and other charges; and 32920
return policy; 32921

(b) One of the following applies: 32922

(i) The catalog includes at least twenty-four pages of 32923

written material and illustrations, is distributed in more than 32924
one state, and has an annual postage-paid mail circulation of not 32925
less than two hundred fifty thousand households; 32926

(ii) The catalog includes at least ten pages of written 32927
material or an equivalent amount of material in electronic form on 32928
the internet or an on-line computer service, the person does not 32929
solicit customers by telephone but solely receives telephone calls 32930
made in response to the catalog, and during the calls the person 32931
takes orders but does not engage in further solicitation of the 32932
purchaser. As used in division (B)(13)(b)(ii) of this section, 32933
"further solicitation" does not include providing the purchaser 32934
with information about, or attempting to sell, any other item in 32935
the catalog that prompted the purchaser's call or in a 32936
substantially similar catalog issued by the seller. 32937

(14) A political subdivision or instrumentality of the United 32938
States, this state, or any state of the United States; 32939

(15) A college or university or any other public or private 32940
institution of higher education in this state; 32941

(16) A public utility as defined in section 4905.02 of the 32942
Revised Code or a retail natural gas supplier as defined in 32943
section 4929.01 of the Revised Code, if the utility or supplier is 32944
subject to regulation by the public utilities commission, or the 32945
affiliate of the utility or supplier; 32946

~~(17) A travel agency or tour promoter that is registered in 32947
compliance with section 1333.96 of the Revised Code when 32948
soliciting within the scope of the agency's or promoter's 32949
registration; 32950~~

~~(18)~~ A person that solicits sales through a television 32951
program or advertisement that is presented in the same market area 32952
no fewer than twenty days per month or offers for sale no fewer 32953
than ten distinct items of goods or services; and offers to the 32954

purchaser an unconditional right to return any good or service 32955
purchased within a period of at least seven days and to receive a 32956
full refund within thirty days after the purchaser returns the 32957
good or cancels the service; 32958

~~(19)~~(18)(a) A person that, for at least one year, has been 32959
operating a retail business under the same name as that used in 32960
connection with telephone solicitation and both of the following 32961
occur on a continuing basis: 32962

(i) The person either displays goods and offers them for 32963
retail sale at the person's business premises or offers services 32964
for sale and provides them at the person's business premises. 32965

(ii) At least fifty-one per cent of the person's gross dollar 32966
volume of retail sales involves purchases of goods or services at 32967
the person's business premises. 32968

(b) An affiliate of a person that meets the requirements in 32969
division (B)~~(19)~~(18)(a) of this section if the affiliate meets all 32970
of the following requirements: 32971

(i) The affiliate has operated a retail business for a period 32972
of less than one year; 32973

(ii) The affiliate either displays goods and offers them for 32974
retail sale at the affiliate's business premises or offers 32975
services for sale and provides them at the affiliate's business 32976
premises; 32977

(iii) At least fifty-one per cent of the affiliate's gross 32978
dollar volume of retail sales involves purchases of goods or 32979
services at the affiliate's business premises. 32980

(c) A person that, for a period of less than one year, has 32981
been operating a retail business in this state under the same name 32982
as that used in connection with telephone solicitation, as long as 32983
all of the following requirements are met: 32984

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;	32985 32986 32987
(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;	32988 32989 32990 32991 32992
(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310.	32993 32994 32995 32996
(20) (19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies:	32997 32998 32999
(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section.	33000 33001 33002 33003 33004
(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt persons of which it is an affiliate.	33005 33006 33007
(c) The person makes telephone solicitations on behalf of only exempt persons, the person and each exempt person on whose behalf telephone solicitations are made have entered into a written contract that specifies the manner in which the telephone solicitations are to be conducted and that at a minimum requires compliance with the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310, and the person conducts the telephone solicitations in the manner specified in	33008 33009 33010 33011 33012 33013 33014 33015

the written contract. 33016

(d) The person performs telephone solicitation for religious 33017
or political purposes, a charitable organization, a fund-raising 33018
council, or a professional solicitor in compliance with the 33019
registration and reporting requirements of Chapter 1716. of the 33020
Revised Code; and meets all of the following requirements: 33021

(i) The person has operated under the same ownership, 33022
control, and business name for at least five years, and the person 33023
receives at least fifty-one per cent of its gross revenues from 33024
written telephone solicitation contracts with persons who come 33025
within the exemption in division (B)(2) of this section; 33026

(ii) The person does not conduct a prize promotion or offer 33027
the sale of an investment opportunity; and 33028

(iii) The person conducts all telephone solicitation 33029
activities according to sections 310.3, 310.4, and 310.5 of the 33030
telemarketing sales rules adopted by the federal trade commission 33031
in 16 C.F.R. part 310. 33032

~~(21)~~(20) A person that is a licensed real estate salesperson 33033
or broker under Chapter 4735. of the Revised Code when soliciting 33034
within the scope of the person's license; 33035

~~(22)~~(21)(a) Either of the following: 33036

(i) A publisher that solicits the sale of the publisher's 33037
periodical or magazine of general, paid circulation, or a person 33038
that solicits a sale of that nature on behalf of a publisher under 33039
a written agreement directly between the publisher and the person. 33040

(ii) A publisher that solicits the sale of the publisher's 33041
periodical or magazine of general, paid circulation, or a person 33042
that solicits a sale of that nature as authorized by a publisher 33043
under a written agreement directly with a publisher's 33044
clearinghouse provided the person is a resident of Ohio for more 33045

than three years and initiates all telephone solicitations from 33046
Ohio and the person conducts the solicitation and sale in 33047
compliance with 16 C.F.R. Part 310, as adopted by the federal 33048
trade commission. 33049

(b) As used in division (B)~~(22)~~(21) of this section, 33050
"periodical or magazine of general, paid circulation" excludes a 33051
periodical or magazine circulated only as part of a membership 33052
package or given as a free gift or prize from the publisher or 33053
person. 33054

~~(23)~~(22) A person that solicits the sale of food, as defined 33055
in section 3715.01 of the Revised Code, or the sale of products of 33056
horticulture, as defined in section 5739.01 of the Revised Code, 33057
if the person does not intend the solicitation to result in, or 33058
the solicitation actually does not result in, a sale that costs 33059
the purchaser an amount greater than five hundred dollars. 33060

~~(24)~~(23) A funeral director licensed pursuant to Chapter 33061
4717. of the Revised Code when soliciting within the scope of that 33062
license, if both of the following apply: 33063

(a) The solicitation and sale are conducted in compliance 33064
with 16 C.F.R. part 453, as adopted by the federal trade 33065
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 33066
the Revised Code; 33067

(b) The person provides to the purchaser of any preneed 33068
funeral contract a notice that clearly and conspicuously sets 33069
forth the cancellation rights specified in division (G) of section 33070
1107.33 of the Revised Code, and retains a copy of the notice 33071
signed by the purchaser. 33072

~~(25)~~(24) A person, or affiliate thereof, licensed to sell or 33073
issue Ohio instruments designated as travelers checks pursuant to 33074
sections 1315.01 to 1315.11 of the Revised Code. 33075

~~(26)~~(25) A person that solicits sales from its previous 33076

purchasers and meets all of the following requirements: 33077

(a) The solicitation is made under the same business name 33078
that was previously used to sell goods or services to the 33079
purchaser; 33080

(b) The person has, for a period of not less than three 33081
years, operated a business under the same business name as that 33082
used in connection with telephone solicitation; 33083

(c) The person does not conduct a prize promotion or offer 33084
the sale of an investment opportunity; 33085

(d) The person conducts all telephone solicitation activities 33086
according to sections 310.3, 310.4, and 310.5 of the telemarketing 33087
sales rules adopted by the federal trade commission in 16 C.F.R. 33088
part 310; 33089

(e) Neither the person nor any of its principals has been 33090
convicted of, pleaded guilty to, or has entered a plea of no 33091
contest for a felony or a theft offense as defined in sections 33092
2901.02 and 2913.01 of the Revised Code or similar law of another 33093
state or of the United States; 33094

(f) Neither the person nor any of its principals has had 33095
entered against them an injunction or a final judgment or order, 33096
including an agreed judgment or order, an assurance of voluntary 33097
compliance, or any similar instrument, in any civil or 33098
administrative action involving engaging in a pattern of corrupt 33099
practices, fraud, theft, embezzlement, fraudulent conversion, or 33100
misappropriation of property; the use of any untrue, deceptive, or 33101
misleading representation; or the use of any unfair, unlawful, 33102
deceptive, or unconscionable trade act or practice. 33103

~~(27)~~(26) An institution defined as a home health agency in 33104
section 3701.88 of the Revised Code, that conducts all telephone 33105
solicitation activities according to sections 310.3, 310.4, and 33106
310.5 of the telemarketing sales rules adopted by the federal 33107

trade commission in 16 C.F.R. part 310, and engages in telephone 33108
solicitation only within the scope of the institution's 33109
certification, accreditation, contract with the department of 33110
aging, or status as a home health agency; and that meets one of 33111
the following requirements: 33112

(a) The institution is certified as a provider of home health 33113
services under Title XVIII of the Social Security Act, 49 Stat. 33114
620, 42 U.S.C. 301, as amended; and is registered with the 33115
department of health pursuant to division (B) of section 3701.88 33116
of the Revised Code; 33117

(b) The institution is accredited by either the joint 33118
commission on accreditation of health care organizations or the 33119
community health accreditation program; 33120

(c) The institution is providing passport services under the 33121
direction of the Ohio department of aging under section 173.40 of 33122
the Revised Code; 33123

(d) An affiliate of an institution that meets the 33124
requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 33125
section when offering for sale substantially the same goods and 33126
services as those that are offered by the institution that meets 33127
the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 33128
section. 33129

~~(28)~~(27) A person licensed to provide a hospice care program 33130
by the department of health pursuant to section 3712.04 of the 33131
Revised Code when conducting telephone solicitations within the 33132
scope of the person's license and according to sections 310.3, 33133
310.4, and 310.5 of the telemarketing sales rules adopted by the 33134
federal trade commission in 16 C.F.R. part 310. 33135

Sec. 4723.06. (A) The board of nursing shall: 33136

(1) Administer and enforce the provisions of this chapter, 33137

including the taking of disciplinary action for violations of 33138
section 4723.28 of the Revised Code, any other provisions of this 33139
chapter, or rules adopted under this chapter; 33140

(2) Develop criteria that an applicant must meet to be 33141
eligible to sit for the examination for licensure to practice as a 33142
registered nurse or as a licensed practical nurse; 33143

(3) Issue and renew nursing licenses and dialysis technician 33144
certificates, as provided in this chapter; 33145

(4) Define the minimum curricula and standards for 33146
educational programs of the schools of professional nursing and 33147
schools of practical nursing in this state; 33148

(5) Survey, inspect, and grant full approval to prelicensure 33149
nursing education programs that meet the standards established by 33150
rules adopted under section 4723.07 of the Revised Code. 33151
Prelicensure nursing education programs include, but are not 33152
limited to, associate degree, baccalaureate degree, diploma, and 33153
doctor of nursing programs leading to initial licensure to 33154
practice nursing as a registered nurse and practical nurse 33155
programs leading to initial licensure to practice nursing as a 33156
licensed practical nurse. 33157

(6) Grant conditional approval, by a vote of a quorum of the 33158
board, to a new prelicensure nursing education program or a 33159
program that is being reestablished after having ceased to 33160
operate, if the program meets and maintains the minimum standards 33161
of the board established by rules adopted under section 4723.07 of 33162
the Revised Code. If the board does not grant conditional 33163
approval, it shall hold an adjudication under Chapter 119. of the 33164
Revised Code to consider conditional approval of the program. If 33165
the board grants conditional approval, at its first meeting after 33166
the first class has completed the program, the board shall 33167
determine whether to grant full approval to the program. If the 33168

board does not grant full approval or if it appears that the 33169
program has failed to meet and maintain standards established by 33170
rules adopted under section 4723.07 of the Revised Code, the board 33171
shall hold an adjudication under Chapter 119. of the Revised Code 33172
to consider the program. Based on results of the adjudication, the 33173
board may continue or withdraw conditional approval, or grant full 33174
approval. 33175

(7) Place on provisional approval, for a period of time 33176
specified by the board, a program that has ceased to meet and 33177
maintain the minimum standards of the board established by rules 33178
adopted under section 4723.07 of the Revised Code. At the end of 33179
the period, the board shall reconsider whether the program meets 33180
the standards and shall grant full approval if it does. If it does 33181
not, the board may withdraw approval, pursuant to an adjudication 33182
under Chapter 119. of the Revised Code. 33183

(8) Approve continuing nursing education programs and courses 33184
under standards established in rules adopted under section 4723.07 33185
of the Revised Code; 33186

(9) Approve peer support programs, under rules adopted under 33187
section 4723.07 of the Revised Code, for nurses and for dialysis 33188
technicians; 33189

(10) Establish a program for monitoring chemical dependency 33190
in accordance with section 4723.35 of the Revised Code; 33191

(11) Establish the practice intervention and improvement 33192
program in accordance with section 4723.282 of the Revised Code; 33193

(12) Issue and renew certificates of authority to practice 33194
nursing as a certified registered nurse anesthetist, clinical 33195
nurse specialist, certified nurse-midwife, or certified nurse 33196
practitioner; 33197

(13) Approve under section 4723.46 of the Revised Code 33198
national certifying organizations for examination and 33199

certification of certified registered nurse anesthetists, clinical	33200
nurse specialists, certified nurse-midwives, or certified nurse	33201
practitioners;	33202
(14) Issue and renew certificates to prescribe in accordance	33203
with sections 4723.48 and 4723.485 of the Revised Code;	33204
(15) Grant approval to the planned classroom and clinical	33205
study required by section 4723.483 of the Revised Code to be	33206
eligible for a certificate to prescribe;	33207
(16) Make an annual edition of the formulary established in	33208
rules adopted under section 4723.50 of the Revised Code available	33209
to the public either in printed form or by electronic means and,	33210
as soon as possible after any revision of the formulary becomes	33211
effective, make the revision available to the public in printed	33212
form or by electronic means;	33213
(17) Provide guidance and make recommendations to the general	33214
assembly, the governor, state agencies, and the federal government	33215
with respect to the regulation of the practice of nursing and the	33216
enforcement of this chapter;	33217
(18) Make an annual report to the governor, which shall be	33218
open for public inspection;	33219
(19) Maintain and have open for public inspection the	33220
following records:	33221
(a) A record of all its meetings and proceedings;	33222
(b) A file of holders of nursing licenses, registrations, and	33223
certificates granted under this chapter and dialysis technician	33224
certificates granted under this chapter. The file shall be	33225
maintained in the form prescribed by rule of the board.	33226
(c) A list of prelicensure nursing education programs	33227
approved by the board;	33228
(d) A list of approved peer support programs for nurses and	33229

dialysis technicians. 33230

(B) The board may fulfill the requirement of division (A)(8) 33231
of this section by authorizing persons who meet the standards 33232
established in rules adopted under section 4723.07 of the Revised 33233
Code to approve continuing nursing education programs and courses. 33234
Persons so authorized shall approve continuing nursing education 33235
programs and courses in accordance with standards established in 33236
rules adopted under section 4723.07 of the Revised Code. 33237

Persons seeking authorization to approve continuing nursing 33238
education programs and courses shall apply to the board and pay 33239
the appropriate fee established under section 4723.08 of the 33240
Revised Code. Authorizations to approve continuing nursing 33241
education programs and courses shall expire, and may be renewed 33242
according to the schedule established in rules adopted under 33243
section 4732.07 of the Revised Code. 33244

In addition to approving continuing nursing education 33245
programs under division (A)(8) of this section, the board may 33246
sponsor continuing education activities. 33247

Sec. 4723.063. (A) As used in this section: 33248

(1) "Health care facility" means: 33249

(a) A hospital registered under section 3701.07 of the 33250
Revised Code; 33251

(b) A nursing home licensed under section 3721.02 of the 33252
Revised Code, or by a political subdivision certified under 33253
section 3721.09 of the Revised Code; 33254

(c) A county home or a county nursing home as defined in 33255
section 5155.31 of the Revised Code that is certified under Title 33256
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 33257
U.S.C. 301, amended; 33258

(d) A freestanding dialysis center; 33259

<u>(e) A freestanding inpatient rehabilitation facility;</u>	33260
<u>(f) An ambulatory surgical facility;</u>	33261
<u>(g) A freestanding cardiac catheterization facility;</u>	33262
<u>(h) A freestanding birthing center;</u>	33263
<u>(i) A freestanding or mobile diagnostic imaging center;</u>	33264
<u>(j) A freestanding radiation therapy center.</u>	33265
<u>(2) "Nurse education program" means a prelicensure nurse</u>	33266
<u>education program approved by the board of nursing under section</u>	33267
<u>4723.06 of the Revised Code or a postlicensure nurse education</u>	33268
<u>program approved by the board of regents under section 3333.04 of</u>	33269
<u>the Revised Code.</u>	33270
<u>(B) The state board of nursing shall establish and administer</u>	33271
<u>the nurse education grant program. Under the program, the board</u>	33272
<u>shall award joint grants to nurse education programs and health</u>	33273
<u>care facilities. Joint grant recipients shall use the money to</u>	33274
<u>fund partnerships to increase the nurse education program's</u>	33275
<u>enrollment capacity by hiring clinical faculty and preceptors and</u>	33276
<u>purchasing educational equipment and materials. Partnerships may</u>	33277
<u>be developed between one or more nurse education programs and one</u>	33278
<u>or more health care facilities.</u>	33279
<u>In awarding grants, the board shall give preference to</u>	33280
<u>partnerships between nurse education programs and hospitals,</u>	33281
<u>nursing homes, and county homes or county nursing homes, but may</u>	33282
<u>also award grants to fund partnerships between nurse education</u>	33283
<u>programs and other health care facilities.</u>	33284
<u>(C) The board shall adopt rules in accordance with Chapter</u>	33285
<u>119. of the Revised Code establishing the following:</u>	33286
<u>(1) Eligibility requirements for receipt of a grant;</u>	33287
<u>(2) Grant application forms and procedures;</u>	33288

<u>(3) The amounts in which grants may be made and the total</u>	33289
<u>amount that may be jointly awarded to a nurse education program</u>	33290
<u>and health care facility;</u>	33291
<u>(4) A method whereby the board may evaluate the effectiveness</u>	33292
<u>of a partnership between joint recipients in increasing the nurse</u>	33293
<u>education program's enrollment capacity;</u>	33294
<u>(5) The percentage of the money in the fund that must remain</u>	33295
<u>in the fund at all times to maintain a fiscally responsible fund</u>	33296
<u>balance;</u>	33297
<u>(6) Any other matters incidental to the operation of the</u>	33298
<u>program.</u>	33299
<u>(D) From January 1, 2004, until December 31, 2013, the ten</u>	33300
<u>dollars of each biennial nursing license renewal fee collected</u>	33301
<u>under section 4723.08 of the Revised Code shall be dedicated to</u>	33302
<u>the nurse education grant program fund, which is hereby created in</u>	33303
<u>the state treasury. The board shall use money in the fund for</u>	33304
<u>grants awarded under division (A) of this section and for expenses</u>	33305
<u>of administering the grant program. The amount used for</u>	33306
<u>administrative expenses in any year shall not exceed ten per cent</u>	33307
<u>of the amount transferred to the fund in that year.</u>	33308
<u>(E) Each quarter, for the purposes of transferring funds to</u>	33309
<u>the nurse education grant program, the board of nursing shall</u>	33310
<u>certify to the director of budget and management the number of</u>	33311
<u>biennial licenses renewed under this chapter during the preceding</u>	33312
<u>quarter and the amount equal to that number times ten dollars.</u>	33313
<u>(F) Notwithstanding the requirements of section 4743.05 of</u>	33314
<u>the Revised Code, from January 1, 2004, until December 31, 2013,</u>	33315
<u>at the end of each quarter, the director of budget and management</u>	33316
<u>shall transfer from the occupational licensing and regulatory fund</u>	33317
<u>to the nurse education grant program fund the amount certified</u>	33318
<u>under division (E) of this section.</u>	33319

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, ~~forty~~ seventy-five dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, ~~forty~~ seventy-five 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 certificate to prescribe,~~ dialysis technician certificate, ~~fifteen~~ intravenous therapy card, or frameable certificate, twenty-five dollars;

(9) For biennial renewal of a nursing license that expires on or ~~before~~ after August 31, 2003, ~~thirty-five~~ but before January 1,

<u>2004, forty-five</u> dollars;	33349
(10) For biennial renewal of a nursing license that expires	33350
on or after September 1, 2003, forty five <u>January 1, 2004,</u>	33351
<u>sixty-five</u> dollars;	33352
(11) For biennial renewal of a certificate of authority to	33353
practice nursing as a certified registered nurse anesthetist,	33354
clinical nurse specialist, certified nurse mid-wife, or certified	33355
nurse practitioner that expires on or before August 31, 2005, one	33356
hundred dollars;	33357
(12) For biennial renewal of a certificate of authority to	33358
practice nursing as a certified registered nurse anesthetist,	33359
clinical nurse specialist, certified nurse-midwife, or certified	33360
nurse practitioner that expires on or after September 1, 2005,	33361
eighty-five dollars;	33362
(13) For renewal of a certificate to prescribe, fifty	33363
dollars;	33364
(14) For biennial renewal of a dialysis technician	33365
certificate, the amount specified in rules adopted under section	33366
4723.79 of the Revised Code;	33367
(15) For processing a late application for renewal of a	33368
nursing license, certificate of authority, or dialysis technician	33369
certificate, fifty dollars;	33370
(16) For application for authorization to approve continuing	33371
nursing education programs and courses from an applicant	33372
accredited by a national accreditation system for nursing, five	33373
hundred dollars;	33374
(17) For application for authorization to approve continuing	33375
nursing education programs and courses from an applicant not	33376
accredited by a national accreditation system for nursing, one	33377
thousand dollars;	33378

(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	33379 33380 33381
(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;	33382 33383 33384
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;	33385 33386 33387
(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.	33388 33389 33390 33391 33392 33393 33394
(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars;	33395 33396
<u>(23) For issuance of an intravenous therapy card to an individual authorized under section 4723.17 of the Revised Code to provide intravenous therapy, twenty-five dollars;</u>	33397 33398 33399
<u>(24) For out-of-state survey visits of nursing education programs operating in Ohio, two thousand dollars.</u>	33400 33401
(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.	33402 33403 33404 33405 33406 33407 33408

(C) The board may charge a participant in a board-sponsored continuing education activity an amount not exceeding fifteen dollars for each activity. 33409
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Sec. 4723.082. ~~All~~ (A) Except as provided in section 4723.062 of the Revised Code and division (B) of this section, all receipts of the board of nursing, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. ~~All~~ 33412
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(B) All receipts from board-sponsored continuing education activities shall be deposited in the state treasury to the credit of the special nursing issue fund created by section 4723.062 of the Revised Code. 33417
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(C) All vouchers of the board shall be approved by the board president or executive director, or both, as authorized by the board. 33421
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Sec. 4725.01. As used in this chapter: 33424

(A)(1) The "practice of optometry" means the application of optical principles, through technical methods and devices, in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers, adapting optical accessories for the aid thereof, and detecting ocular abnormalities that may be evidence of disease, pathology, or injury. 33425
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(2) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in division (A)(1) of this section, except that it also includes administering topical ocular pharmaceutical agents for the purposes set forth in division (A)(1) of this section. 33432
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(3) In the case of a licensed optometrist who holds a 33438
therapeutic pharmaceutical agents certificate, the "practice of 33439
optometry" has the same meaning as in divisions (A)(1) and (2) of 33440
this section, except that it also includes employing, applying, 33441
administering, and prescribing instruments, devices, procedures 33442
other than invasive procedures, and therapeutic pharmaceutical 33443
agents for the following purposes: 33444

(a) Examination, investigation, diagnosis, or prevention of 33445
any disease, injury, or other abnormal condition of the visual 33446
system; 33447

(b) Treatment or cure of any disease, injury, or other 33448
abnormal condition of the anterior segment of the human eye. 33449

(B) "Topical ocular pharmaceutical agents" means: 33450

(1) Proparacaine hydrochloride in a potency not exceeding 33451
five-tenths of one per cent ophthalmic solution; 33452

(2) Benoxinate hydrochloride in a potency not exceeding 33453
four-tenths of one per cent ophthalmic solution; 33454

(3) Phenylephrine hydrochloride in a potency not exceeding 33455
two and five-tenths per cent ophthalmic solution; 33456

(4) Hydroxyamphetamine hydrobromide in a potency not 33457
exceeding one per cent ophthalmic solution; 33458

(5) Tropicamide in a potency not exceeding one per cent 33459
ophthalmic solution; 33460

(6) Cyclopentolate in a potency not exceeding one per cent 33461
ophthalmic solution; 33462

(7) Any other topical ocular pharmaceutical agents if the 33463
primary indications for their use are consistent with the purposes 33464
set forth in division (A)(1) of this section, their new drug 33465
application is approved by and the potency in which they may be 33466
used for evaluative purposes has been established by the federal 33467

food and drug administration after January 1, 1983, and their use 33468
for the purposes set forth in division (A)(1) of this section has 33469
been approved by rule of the state vision board of ~~optometry~~. 33470

(C) "Therapeutic pharmaceutical agent" means a topical ocular 33471
pharmaceutical agent or any of the following drugs or dangerous 33472
drugs that is used for examination, investigation, diagnosis, or 33473
prevention of disease, injury, or other abnormal condition of the 33474
visual system or for treatment or cure of disease, injury, or 33475
other abnormal condition of the anterior segment of the human eye 33476
and is an anti-microbial, anti-allergy, anti-glaucoma, topical 33477
anti-inflammatory, or cycloplegic agent, or an analgesic: 33478

(1) A topical ophthalmic preparation; 33479

(2) Oral dosage of any of the following drugs: 33480

(a) Acetazolamide; 33481

(b) Astemizole; 33482

(c) Dichlorphenamide; 33483

(d) Diphenhydramine; 33484

(e) Glycerin in a fifty per cent solution; 33485

(f) Isosorbide in a forty-five per cent solution; 33486

(g) Methazolamide; 33487

(h) Analgesics that may be legally sold without prescription; 33488

(i) Terfenadine; 33489

(j) Ampicillin in a two hundred fifty milligram or five 33490
hundred milligram dosage; 33491

(k) Cefaclor in a two hundred fifty milligram or five hundred 33492
milligram dosage; 33493

(l) Cephalexin in a two hundred fifty milligram or five 33494
hundred milligram dosage; 33495

(m) Dicloxacillin in a two hundred fifty milligram or five hundred milligram dosage;	33496 33497
(n) Doxycycline in a fifty milligram or one hundred milligram dosage;	33498 33499
(o) Erythromycin in a two hundred fifty milligram, three hundred and thirty-three milligram, or five hundred milligram dosage;	33500 33501 33502
(p) Penicillin VK in a two hundred fifty milligram or five hundred milligram dosage;	33503 33504
(q) Tetracycline in a two hundred fifty milligram or five hundred milligram dosage.	33505 33506
(3) Any other oral dosage of a drug or dangerous drug that is listed by rule adopted by the state <u>vision</u> board of optometry under section 4725.09 of the Revised Code.	33507 33508 33509
(D) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.	33510 33511
(E) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.	33512 33513 33514 33515 33516
(F) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	33517 33518
(G) "Certificate of licensure" means a certificate issued by the state <u>vision</u> board of optometry under <u>division (A) of</u> section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section <u>or under division (E) of section 4725.13 of the Revised Code authorizing the holder to practice optical dispensing.</u>	33519 33520 33521 33522 33523 33524
(H) "Topical ocular pharmaceutical agents certificate" means	33525

a certificate issued by the state vision board of ~~optometry~~ under 33526
division (A) of section 4725.13 of the Revised Code authorizing 33527
the holder to practice optometry as provided in division (A)(2) of 33528
this section. 33529

(I) "Therapeutic pharmaceutical agents certificate" means a 33530
certificate issued by the state vision board of ~~optometry~~ under 33531
division (A)(3) or (4) of section 4725.13 of the Revised Code 33532
authorizing the holder to practice optometry as provided in 33533
division (A)(3) of this section. 33534

(J) "Optical aid" means an instrument or device prescribed by 33535
a physician or optometrist licensed by any state to correct human 33536
vision, including spectacles, eyeglasses, contact lenses, and 33537
accessories. Contact lenses shall be dispensed only in accordance 33538
with a written prescription designated for contact lenses. 33539

(K) "Optical dispensing" means interpreting but not altering 33540
a prescription of a licensed physician or optometrist and 33541
designing, adapting, fitting, or replacing the prescribed optical 33542
aids, pursuant to such prescription, to or for the intended 33543
wearer; duplicating lenses, other than contact lenses, accurately 33544
as to power without a prescription; and duplicating 33545
nonprescription eyewear and parts of eyewear. "Optical dispensing" 33546
does not include selecting frames, transacting a sale, 33547
transferring an optical aid to the wearer after an optician has 33548
completed fitting it, or providing instruction in the general care 33549
and use of an optical aid, including placement, removal, hygiene, 33550
or cleaning. 33551

(L) "Licensed dispensing optician" means a person holding a 33552
current, valid certificate of licensure that authorizes the person 33553
to engage in optical dispensing. Nothing in this chapter shall be 33554
construed to permit a licensed dispensing optician to alter the 33555
specifications of a prescription. 33556

(M) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of optical aids other than contact lenses. 33557
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(N) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses. 33560
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(O) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid. 33563
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(P) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician. 33566
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(Q) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient. 33568
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(R) "Supervision" means the provision of direction and control through personal inspection and evaluation of work. 33571
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(S) "Licensed ocularist" means a person holding a current, valid certificate of licensure issued by the state vision board that authorizes the person to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye. 33573
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Sec. 4725.02. (A) Except as provided in section 4725.26 of the Revised Code, no person shall engage in the practice of optometry, including the determination of the kind of procedure, treatment, or optical accessories needed by a person or the examination of the eyes of any person for the purpose of fitting the same with optical accessories, unless the person holds a current, valid certificate of licensure as an optometrist from the state vision board of optometry. No person shall claim to be the lawful holder of such a certificate of licensure when in fact the 33578
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person is not such lawful holder, or impersonate any licensed 33587
optometrist. 33588

(B) No optometrist shall administer topical ocular 33589
pharmaceutical agents unless the optometrist holds a valid topical 33590
ocular pharmaceutical agents certificate or therapeutic 33591
pharmaceutical agents certificate and fulfills the other 33592
requirements of this chapter. 33593

(C) No optometrist shall practice optometry as described in 33594
division (A)(3) of section 4725.01 of the Revised Code unless the 33595
optometrist holds a valid therapeutic pharmaceutical agents 33596
certificate. 33597

(D) No optometrist shall personally furnish a therapeutic 33598
pharmaceutical agent to any person, except that a licensed 33599
optometrist who holds a therapeutic pharmaceutical agents 33600
certificate may personally furnish a therapeutic pharmaceutical 33601
agent to a patient if no charge is imposed for the agent or for 33602
furnishing it and the amount furnished does not exceed a 33603
seventy-two hour supply, except that if the minimum available 33604
quantity of the agent is greater than a seventy-two hour supply, 33605
the optometrist may furnish the minimum available quantity. 33606

(E)(1) No person shall engage in optical dispensing or hold 33607
themselves out as being engaged in optical dispensing unless the 33608
person holds a current, valid certificate of licensure from the 33609
state board as a dispensing optician. No person shall claim to be 33610
the lawful holder of such a certificate of licensure when in fact 33611
the person is not such a lawful holder, or impersonate a licensed 33612
dispensing optician. 33613

(2) No person shall engage in the designing, fabricating, and 33614
fitting of an artificial eye or of prostheses associated with the 33615
appearance or function of the human eye unless the person is 33616
licensed as an ocularist by the state board. 33617

(F) After dispensing contact lenses pursuant to the written prescription of a licensed physician or a licensed optometrist, each licensed contact lens dispensing optician shall, in writing, immediately inform the patient to return back to the prescribing physician or optometrist for final evaluation.

Sec. 4725.03. ~~The governor, with the advice and consent of the senate, shall appoint a~~ There is hereby created the state vision board of optometry consisting of ~~six nonmedical~~ seven residents of this state, ~~five of whom shall be persons actually engaged in the practice of optometry for five years preceding appointment and one of whom shall be a member of the public at least sixty years of age~~ three appointed by the governor, two appointed by the speaker of the house of representatives, and two appointed by the president of the senate. Terms ~~Thereafter, terms~~ of office shall be ~~five~~ seven years, commencing on the twenty-sixth day of September and ending on the twenty-fifth day of September. The governor, speaker of the house of representatives, and president of the senate, shall each make one initial appointment for a three-year term. The remaining initial appointments shall be for six-year terms. Each member shall hold office from the date of appointment until the end of the term for which 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 the 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. No person shall serve as a member for more than two terms.

Sec. 4725.04. The state vision board of optometry shall organize by the election of a president and a secretary from its

members, who shall hold their respective offices for one year. 33649

The board shall hold meetings to perform its regular duties 33650
at least four times each year. At least one of the board's regular 33651
meetings shall be held in Columbus. The board may hold additional 33652
meetings as it considers necessary. The time and place of any 33653
regular or other meeting shall be fixed and published by the board 33654
at least thirty days prior to the date that it is to be held, 33655
except when the meeting to be held is an emergency or special 33656
meeting, in which case the board shall give twenty-four hours' 33657
notice or as much notice as possible under the circumstances. 33658

A majority of the board constitutes a quorum, but a lesser 33659
number may adjourn from time to time. 33660

The office of budget and management shall determine a 33661
location for the office of the board, where all of the board's 33662
permanent records shall be kept. 33663

Sec. 4725.05. The state vision board ~~of optometry~~ shall 33664
employ an executive director, to serve at the pleasure of the 33665
board. Before entering upon the discharge of official duties of 33666
office, the executive director shall give a bond, to be approved 33667
by the board, in the sum of two thousand dollars conditioned for 33668
the faithful discharge of the duties of the office. The premium 33669
for such bond shall be paid as are other expenditures of the 33670
board. The bond, with the approval of the board and oath of office 33671
indorsed thereon, shall be deposited with the secretary of state 33672
and kept in the secretary of state's office. 33673

The board may employ up to ten persons, who may include such 33674
assistants, inspectors, investigators, and clerical help as are 33675
necessary to administer and enforce sections 4725.01 to 4725.34 of 33676
the Revised Code, the expenses thereof to be charged and paid as 33677
other expenditures of the board. The staff shall serve at the 33678
pleasure of the executive director. 33679

Sec. 4725.06. Each member of the state vision board of 33680
optometry shall ~~receive an amount fixed pursuant to division (J)~~ 33681
~~of section 124.15 of the Revised Code for each day actually~~ 33682
~~employed in the discharge of the official duties of the member,~~ 33683
~~and the necessary expenses of the member~~ serve without 33684
compensation. 33685

The ~~executive director~~ members of the board shall receive 33686
reimbursement for necessary travel expenses incurred in the 33687
discharge of ~~the executive director's~~ their official duties. 33688

All vouchers of the board shall be approved by the board 33689
president or executive director, or both, as authorized by the 33690
board. 33691

Sec. 4725.07. The state vision board ~~of optometry~~ shall adopt 33692
a seal and certificate of suitable design and shall keep a record 33693
of its proceedings, a register of persons who have received 33694
certificates of licensure, a register of licensed optometrists who 33695
have received topical ocular pharmaceutical agents certificates, a 33696
register of licensed optometrists who have received therapeutic 33697
pharmaceutical agents certificates, and a register of persons who 33698
have been subject to the board's revocation of any of those 33699
certificates. 33700

~~The board shall have an office in Columbus, where all its~~ 33701
~~permanent records shall be kept.~~ The board may make requisition 33702
upon the proper state officials for office rooms and supplies, 33703
including stationery and furniture. All printing and binding 33704
necessary for the work of the board shall be done upon an order 33705
issued by the board through its president and executive director 33706
to the department of administrative services. 33707

Except as provided in division (C) of section 4725.22 and 33708
division (C) of section 4725.23 of the Revised Code, the records 33709

of the board, including its registers, shall be open to public 33710
inspection at all reasonable times. A copy of an entry in such 33711
records, certified by the executive director under the seal of the 33712
board, shall be prima-facie evidence of the facts therein stated. 33713

The board annually, on or before the first day of February, 33714
shall make a report to the governor of all its official acts 33715
during the preceding year, its receipts and disbursements, and a 33716
complete report of the conditions of optometry and of the practice 33717
of optical dispensing in this state. 33718

Sec. 4725.08. In the absence of fraud or bad faith, the state 33719
vision board ~~of optometry~~, a current or former board member, an 33720
agent of the board, a person formally requested by the board to be 33721
the board's representative, or an employee of the board shall not 33722
be held liable in damages to any person as the result of any act, 33723
omission, proceeding, conduct, or decision related to official 33724
duties undertaken or performed pursuant to sections 4725.01 to 33725
4725.34 of the Revised Code. If any such person asks to be 33726
defended by the state against any claim or action arising out of 33727
any act, omission, proceeding, conduct, or decision related to the 33728
person's official duties, and if the request is made in writing at 33729
a reasonable time before trial and the person requesting defense 33730
cooperates in good faith in the defense of the claim or action, 33731
the state shall provide and pay for the person's defense and shall 33732
pay any resulting judgment, compromise, or settlement. At no time 33733
shall the state pay any part of a claim or judgment that is for 33734
punitive or exemplary damages. 33735

Sec. 4725.09. (A) The state vision board ~~of optometry~~ shall 33736
adopt rules as it considers necessary to govern the practice of 33737
optometry and to administer and enforce sections 4725.01 to 33738
4725.34 of the Revised Code. All rules adopted under sections 33739
4725.01 to 4725.34 of the Revised Code shall be adopted in 33740

accordance with Chapter 119. of the Revised Code. 33741

(B) The board, in consultation with the state board of 33742
pharmacy, shall adopt rules specifying oral dosages of drugs or 33743
dangerous drugs that are therapeutic pharmaceutical agents under 33744
division (C)(3) of section 4725.01 of the Revised Code. 33745

(C) The board shall adopt rules that establish standards to 33746
be met and procedures to be followed with respect to the 33747
delegation by an optometrist of the performance of an optometric 33748
task to a person who is not licensed or otherwise specifically 33749
authorized by the Revised Code to perform the task. The rules 33750
shall permit an optometrist who holds a topical ocular 33751
pharmaceutical agents certificate or therapeutic pharmaceutical 33752
agents certificate to delegate the administration of drugs 33753
included in the optometrist's scope of practice. 33754

The rules adopted under this division shall provide for all 33755
of the following: 33756

(1) On-site supervision when the delegation occurs in an 33757
institution or other facility that is used primarily for the 33758
purpose of providing health care, unless the board established a 33759
specific exception to the on-site supervision requirement with 33760
respect to routine administration of a topical drug; 33761

(2) Evaluation of whether delegation is appropriate according 33762
to the acuity of the patient involved; 33763

(3) Training and competency requirements that must be met by 33764
the person administering the drugs; 33765

(4) Other standards and procedures the board considers 33766
relevant. 33767

(D) The board shall adopt rules as it considers necessary to 33768
govern the practice of optical dispensing and to administer and 33769
enforce the processing of applications for licensure as licensed 33770

dispensing opticians; the scheduling, administration, and 33771
supervision of qualifying examinations; the issuance of 33772
certificates of licensure to qualified individuals; the revocation 33773
and suspension of certificates of licensure; and the maintenance 33774
of related records. The board may adopt rules governing the 33775
employment of licensed dispensing opticians, the location or 33776
number of optical stores, advertising of optical products or 33777
services, or the manner in which such products can be displayed. 33778

Sec. 4725.10. (A) The state vision board ~~of optometry~~ shall 33779
evaluate schools of optometry and grant its approval to schools 33780
that adequately prepare their graduates for the practice of 33781
optometry in this state. Approval shall be granted only by an 33782
affirmative vote of a majority of the members of the board. 33783

(B) To be approved by the board, a school of optometry shall 33784
meet at least the following conditions: 33785

(1) Be accredited by a professional optometric accrediting 33786
agency recognized by the board; 33787

(2) Require as a prerequisite to admission to the school's 33788
courses in optometry at least two academic years of study with 33789
credits of at least sixty semester hours or ninety quarter hours 33790
in a college of arts and sciences accredited by a post-secondary 33791
education accrediting organization recognized by the board; 33792

(3) Require a course of study of at least four academic years 33793
with credits of at least one hundred thirty-four semester hours or 33794
two hundred quarter hours. 33795

(C) The board may establish standards for the approval of 33796
schools of optometry that are higher than the standards specified 33797
in division (B) of this section. 33798

Sec. 4725.11. (A) The state vision board ~~of optometry~~ shall 33799
accept as the examination that must be passed to receive a license 33800

to practice optometry in this state the examination prepared, 33801
administered, and graded by the national board of examiners in 33802
optometry or an examination prepared, administered, and graded by 33803
another professional testing organization recognized by the board 33804
as being qualified to examine applicants for licenses to practice 33805
optometry in this state. The board shall periodically review its 33806
acceptance of a licensing examination under this section to 33807
determine if the examination and the organization offering it 33808
continue to meet standards the board considers appropriate. 33809

(B) The licensing examination accepted by the board under 33810
this section may be divided into parts and offered as follows: 33811

(1) Part one: Tests in basic science, human biology, ocular 33812
and visual biology, theoretical ophthalmic, physiological optics, 33813
and physiological psychology; 33814

(2) Part two: Tests in clinical science, systemic conditions, 33815
the treatment and management of ocular disease, refractive 33816
oculomotor, sensory integrative conditions, perceptual conditions, 33817
public health, the legal issues regarding the clinical practice of 33818
optometry, and pharmacology; 33819

(3) Part three: Tests in patient care and management, 33820
clinical skills, and the visual recognition and interpretation of 33821
clinical signs. 33822

(C) The licensing examination accepted by the board may be 33823
offered in a manner other than the manner specified in division 33824
(B) of this section, but if offered in another manner, the 33825
examination must test the person sitting for the examination in 33826
the areas specified in division (B) of this section and may test 33827
the person in other areas. 33828

The board may require as a condition of its acceptance of an 33829
examination that the examination cover subject matters in addition 33830
to those specified in division (B) of this section, if the schools 33831

of optometry it approves under section 4725.10 of the Revised Code 33832
include the additional subject matters in their prescribed 33833
curriculum. 33834

(D) The board shall accept direct delivery of the results of 33835
the licensing examination from the testing organization 33836
administering the examination. The results shall be kept as a 33837
permanent part of the board's records maintained pursuant to 33838
section 4725.07 of the Revised Code. 33839

(E) On request of any person seeking to practice optometry in 33840
this state, the board shall provide information on the licensing 33841
examination accepted by the board, including requirements that 33842
must be met to be eligible to sit for the examination and the 33843
dates the examination is offered. 33844

Sec. 4725.12. (A) Each person who desires to commence the 33845
practice of optometry in the state shall file with the executive 33846
director of the state vision board ~~of optometry~~ a written 33847
application for a certificate of licensure and a therapeutic 33848
pharmaceutical agents certificate. The application shall be 33849
accompanied by the fees specified under section 4725.34 of the 33850
Revised Code and shall contain all information the board considers 33851
necessary to determine whether an applicant is qualified to 33852
receive the certificates. The application shall be made upon the 33853
form prescribed by the board and shall be verified by the oath of 33854
the applicant. 33855

(B) To receive a certificate of licensure as an optometrist 33856
and a therapeutic pharmaceutical agents certificate, an applicant 33857
must meet all of the following conditions: 33858

(1) Be at least eighteen years of age; 33859

(2) Be of good moral character; 33860

(3) Complete satisfactorily a course of study of at least six 33861

college years; 33862

(4) Graduate from a school of optometry approved by the board 33863
under section 4725.10 of the Revised Code; 33864

(5) Pass the licensing examination accepted by the board 33865
under section 4725.11 of the Revised Code. 33866

(C)(1) Any person who desires to engage in optical dispensing 33867
shall file a properly completed written application for 33868
examination with the executive director of the board. The 33869
application shall be made on a form provided by the board and 33870
shall be accompanied by an examination fee the board shall 33871
establish by rule. Applicants shall return the application to the 33872
board at least sixty days prior to the date the examination is 33873
scheduled to be administered. No person is eligible to take the 33874
examination unless they are at least eighteen years of age, of 33875
good moral character, free of contagious or infectious disease, 33876
and a graduate of an accredited high school of any state or having 33877
an education equivalent thereto. 33878

(2) Except as provided in division (C)(3) of this section, 33879
each person who desires to dispense optical aids is eligible to 33880
take the qualifying examination for such practice, if, in addition 33881
to satisfying the criteria of division (C)(1) of this section, the 33882
person successfully completed either of the following: 33883

(a) Two years of supervised experience under a licensed 33884
dispensing optician, optometrist, or physician engaged in the 33885
practice of ophthalmology, up to one year of which may be 33886
continuous experience of not less than thirty hours a week in an 33887
optical laboratory; 33888

(b) A two-year college level program in optical dispensing 33889
that has been approved by the board and that includes, but is not 33890
limited to, courses of study in mathematics, science, English, 33891
anatomy and physiology of the eye, applied optics, ophthalmic 33892

optics, measurement and inspection of lenses, lens grinding and 33893
edging, ophthalmic lens design, keratometry, and the fitting and 33894
adjusting of spectacle lenses and frames and contact lenses, 33895
including methods of fitting contact lenses and post-fitting care. 33896

(3) A registered apprentice or a student in an approved 33897
college level program in optical dispensing may take the 33898
qualifying examination after completion of one year of the 33899
apprenticeship or program but is not eligible for licensure until 33900
they have completed the second year of the apprenticeship or 33901
program. 33902

(4) Any person who desires to obtain a license to practice as 33903
an ocularist shall file a properly completed written application 33904
with the board accompanied by the application fee and proof that 33905
the applicant has met the requirements for licensure. The board 33906
shall establish, by rule, the application fee and the minimum 33907
requirements for licensure, including education, examination, and 33908
experience standards recognized by the board as meeting national 33909
standards for ocularists. The board shall issue a license to 33910
practice as an ocularist to an applicant who satisfies the 33911
requirements of division (C)(4) of this section. 33912

(D)(1) The board shall examine each applicant eligible for 33913
examination under division (C) of this section. The board may 33914
provide for the examination of applicants by designing, preparing, 33915
and administering the qualifying examinations or by contracting 33916
with a testing service that is nationally recognized as being 33917
capable of determining competence to dispense optical aids as a 33918
licensed spectacle dispensing optician, a licensed contact lens 33919
dispensing optician, or a licensed spectacle-contact lens 33920
dispensing optician. Any examination used shall be designed to 33921
measure specific performance requirements, be professionally 33922
constructed and validated, and be independently and objectively 33923
administered and scored, in order to determine the applicant's 33924

<u>competence to dispense optical aids.</u>	33925
<u>(2) The board shall ensure that it, or the testing service with which it contracts, does all of the following:</u>	33926
<u>(a) Provides public notice as to the date, time, and place for each qualifying examination at least ninety days prior to the examination;</u>	33927
<u>(a) Provides public notice as to the date, time, and place for each qualifying examination at least ninety days prior to the examination;</u>	33928
<u>(a) Provides public notice as to the date, time, and place for each qualifying examination at least ninety days prior to the examination;</u>	33929
<u>(a) Provides public notice as to the date, time, and place for each qualifying examination at least ninety days prior to the examination;</u>	33930
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	33931
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	33932
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	33933
<u>(c) Provides to each applicant all forms necessary to apply for examination;</u>	33934
<u>(c) Provides to each applicant all forms necessary to apply for examination;</u>	33935
<u>(d) Provides all materials and equipment necessary for the applicant to take the qualifying examination.</u>	33936
<u>(d) Provides all materials and equipment necessary for the applicant to take the qualifying examination.</u>	33937
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33938
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33939
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33940
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33941
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33942
<u>(3) If the number of applicants for any qualifying examination under this division is less than ten, the board may postpone the examination. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the qualifying examination is scheduled to be administered.</u>	33943
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33944
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33945
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33946
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33947
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33948
<u>(4) The board may not limit the number of times that an applicant may repeat a qualifying examination under this division, 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 the applicant experienced difficulty.</u>	33949
<u>(E) An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, without the necessity of examination, upon the payment of a seventy-five dollar fee and the submission of a certified copy of</u>	33950
<u>(E) An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, without the necessity of examination, upon the payment of a seventy-five dollar fee and the submission of a certified copy of</u>	33951
<u>(E) An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, without the necessity of examination, upon the payment of a seventy-five dollar fee and the submission of a certified copy of</u>	33952
<u>(E) An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, without the necessity of examination, upon the payment of a seventy-five dollar fee and the submission of a certified copy of</u>	33953
<u>(E) An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, without the necessity of examination, upon the payment of a seventy-five dollar fee and the submission of a certified copy of</u>	33954

the license or certificate issued by the other state, if the board 33955
determines that the applicant has the required amount of 33956
experience or education and meets the requirements of division 33957
(C)(1) of this section. 33958

(F) The board shall issue to each person who qualifies for 33959
licensure as a licensed dispensing optician, under its seal, a 33960
certificate of licensure entitling them to practice as a licensed 33961
spectacle dispensing optician, licensed contact lens dispensing 33962
optician, or licensed spectacle-contact lens dispensing optician. 33963
The appropriate certificate of licensure shall be issued no later 33964
than sixty days after the board notifies the applicant of its 33965
approval for licensure. The board shall establish, by rule, a 33966
license fee. 33967

(G) Each licensed dispensing optician shall display the 33968
optician's certificate of licensure in a conspicuous place in the 33969
optician's office or place of business. If a licensed dispensing 33970
optician maintains more than one office or place of business, the 33971
optician shall display a duplicate copy of the certificate at each 33972
location. The board shall issue duplicate copies of the 33973
appropriate certificate of licensure for this purpose upon the 33974
filing of an application form therefor and the payment of a 33975
five-dollar fee for each duplicate copy. 33976

(H) Any licensed dispensing optician may supervise a maximum 33977
of three apprentices who may engage in optical dispensing only 33978
under the supervision of the licensed dispensing optician. A 33979
person serving as an apprentice shall register annually with the 33980
board either on a form provided by the board or in the form of a 33981
statement giving the name and address of the supervising licensed 33982
dispensing optician, the location at which the apprentice will be 33983
employed, and any other information required by the board. Each 33984
registrant shall pay a registration fee of ten dollars. A person 33985
who is gaining experience under the supervision of a licensed 33986

optometrist or ophthalmologist that would qualify them to take the 33987
examination to engage in optical dispensing is not required to 33988
register with the board. 33989

Sec. 4725.13. (A) The state vision board of optometry, by an 33990
affirmative vote of a majority of its members, shall issue 33991
certificates of licensure to practice optometry under its seal as 33992
follows: 33993

(1) Every applicant who, prior to May 19, 1992, passed the 33994
licensing examination then in effect, and who otherwise complies 33995
with sections 4725.01 to 4725.34 of the Revised Code shall receive 33996
from the board a certificate of licensure authorizing the holder 33997
to engage in the practice of optometry as provided in division 33998
(A)(1) of section 4725.01 of the Revised Code. 33999

(2) Every applicant who, prior to May 19, 1992, passed the 34000
general and ocular pharmacology examination then in effect, and 34001
who otherwise complies with sections 4725.01 to 4725.34 of the 34002
Revised Code, shall receive from the board a separate topical 34003
ocular pharmaceutical agents certificate authorizing the holder to 34004
administer topical ocular pharmaceutical agents as provided in 34005
division (A)(2) of section 4725.01 of the Revised Code and in 34006
accordance with sections 4725.01 to 4725.34 of the Revised Code. 34007

(3) Every applicant who holds a valid certificate of 34008
licensure issued prior to May 19, 1992, and meets the requirements 34009
of section 4725.14 of the Revised Code shall receive from the 34010
board a separate therapeutic pharmaceutical agents certificate 34011
authorizing the holder to engage in the practice of optometry as 34012
provided in division (A)(3) of section 4725.01 of the Revised 34013
Code. 34014

(4) Every applicant who, on or after May 19, 1992, passes all 34015
parts of the licensing examination accepted by the board under 34016
section 4725.11 of the Revised Code and otherwise complies with 34017

the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of that section.

(B) Each person to whom a certificate is issued by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given to the person.

(C) A person who, on May 19, 1992, holds a valid certificate of licensure or topical ocular pharmaceutical agents certificate issued by the board may continue to engage in the practice of optometry as provided by the certificate of licensure or topical ocular pharmaceutical agents certificate if the person continues to comply with sections 4725.01 to 4725.34 of the Revised Code as required by the certificate of licensure or topical ocular pharmaceutical agents certificate.

Sec. 4725.15. If the state vision board ~~of optometry~~ receives notice ~~under division (D) of section 4725.11 of the Revised Code~~ that an applicant has failed four times the licensing examination

or part of the examination that must be passed pursuant to section 34049
4725.12 or 4725.14 of the Revised Code for a certificate of 34050
licensure as an optometrist, the board shall not give further 34051
consideration to the application until the applicant completes 34052
thirty hours of remedial training approved by the board in the 34053
specific subject area or areas covered by the examination or part 34054
of the examination that was failed. 34055

Sec. 4725.16. (A) Each certificate of licensure, topical 34056
ocular pharmaceutical agents certificate, and therapeutic 34057
pharmaceutical agents certificate issued by the state vision board 34058
~~of optometry~~ shall expire annually on the last day of December, 34059
and may be renewed in accordance with this section and the 34060
standard renewal procedure established under Chapter 4745. of the 34061
Revised Code. 34062

(B) All licensed optometrists shall annually complete 34063
continuing education in subjects relating to the practice of 34064
optometry, to the end that the utilization and application of new 34065
techniques, scientific and clinical advances, and the achievements 34066
of research will assure comprehensive care to the public. The 34067
board shall prescribe by rule the continuing optometric education 34068
that licensed optometrists must complete. The length of study 34069
shall be determined by the board but shall be not less than six 34070
nor more than twenty-five clock hours each year, except that the 34071
board shall prescribe an additional five clock hours of 34072
instruction in pharmacology to be completed by optometrists who 34073
hold topical ocular pharmaceutical agents certificates or 34074
therapeutic pharmaceutical agents certificates. 34075

Unless the continuing education required under this division 34076
is waived or deferred under division (D) of this section, the 34077
continuing education must be completed during the twelve-month 34078
period beginning on the first day of October and ending on the 34079

last day of September. If the board receives notice from a 34080
continuing education program indicating that an optometrist 34081
completed the program after the last day of September, and the 34082
optometrist wants to use the continuing education completed after 34083
that day to renew the license that expires on the last day of 34084
December of that year, the optometrist shall pay the penalty 34085
specified under section 4725.34 of the Revised Code for late 34086
completion of continuing education. 34087

At least once annually, the board shall mail to each licensed 34088
optometrist a list of courses approved in accordance with 34089
standards prescribed by board rule. Upon the request of a licensed 34090
optometrist, the executive director of the board shall supply a 34091
list of additional courses that the board has approved subsequent 34092
to the most recent mailing of the list of approved courses. 34093

(C) Annually, by the first day of November, the board shall 34094
mail to each licensed optometrist a notice regarding license 34095
renewal and include with the notice an application for license 34096
renewal. The application shall be in such form and require such 34097
pertinent professional biographical data as the board may require. 34098
An optometrist seeking to continue to practice optometry shall 34099
file the renewal application with the board. Filing the 34100
application shall serve as notice by the optometrist that the 34101
continuing optometric education requirement has been successfully 34102
completed. 34103

If the board finds that an optometrist has not completed the 34104
required continuing optometric education, the board shall 34105
disapprove the optometrist's application. The board's disapproval 34106
of renewal is effective without a hearing, unless a hearing is 34107
requested pursuant to Chapter 119. of the Revised Code. The board 34108
shall refuse to accept an application for renewal from any 34109
applicant whose license is not in good standing or who is under 34110
disciplinary review pursuant to section 4725.19 of the Revised 34111

Code. Notice of an applicant's failure to qualify for renewal 34112
shall be served upon the applicant by mail, which shall be sent on 34113
or before the fifteenth day of November to the address shown in 34114
the board's records. 34115

(D) In cases of certified illness or undue hardship, the 34116
board may waive or defer for up to twelve months the requirement 34117
of continuing optometric education, except that in such cases the 34118
board may not waive or defer the continuing education in 34119
pharmacology required to be completed by optometrists who hold 34120
topical ocular pharmaceutical agents certificates or therapeutic 34121
pharmaceutical agents certificates. The board shall waive the 34122
requirement of continuing optometric education for any optometrist 34123
who is serving in the armed forces of the United States or who has 34124
received an initial certificate of licensure during the nine-month 34125
period which ended on the last day of September. 34126

(E) The board shall approve all applications for renewal that 34127
are not disapproved or refused under division (C) of this section. 34128
An optometrist whose renewal application has been approved may 34129
renew each certificate held by paying to the treasurer of state 34130
the fees for renewal specified under section 4725.34 of the 34131
Revised Code. On payment of all applicable fees, the board shall 34132
issue a renewal of the optometrist's certificate of licensure, 34133
topical ocular pharmaceutical agents certificate, and therapeutic 34134
pharmaceutical agents certificate, as appropriate. 34135

(F) A notice shall be sent to every licensed optometrist who 34136
fails to file the renewal application provided under division (C) 34137
of this section, at the optometrist's last address, at least one 34138
month in advance of the last day of December, which is the date of 34139
expiration. A second notice shall be sent prior to any action 34140
under division (I) of this section to classify the optometrist's 34141
certificates as delinquent, to every optometrist failing to 34142
respond to the preceding notice. 34143

(G) The failure of an optometrist to apply for license 34144
renewal or the failure to pay the applicable annual renewal fees 34145
on or before the date of expiration, shall automatically work a 34146
forfeiture of the optometrist's authority to practice optometry in 34147
this state. 34148

(H) The board shall accept renewal applications and renewal 34149
fees that are submitted from the first day of January to the last 34150
day of April of the year next succeeding the date of expiration. 34151
An individual who submits such a late renewal application or fee 34152
shall pay the late renewal fee specified in section 4725.34 of the 34153
Revised Code. 34154

(I)(1) If the certificates issued by the board to ~~an~~ 34155
~~individual a licensed optometrist~~ have expired and the ~~individual~~ 34156
~~optometrist~~ has not filed a complete application during the late 34157
renewal period, the individual's certificates shall be classified 34158
in the board's records as delinquent. 34159

(2) Any optometrist subject to delinquent classification may 34160
submit a written application to the board for reinstatement. For 34161
reinstatement to occur, the applicant must meet all of the 34162
following conditions: 34163

(a) Submit to the board evidence of compliance with board 34164
rules requiring continuing optometric education in a sufficient 34165
number of hours to make up for any delinquent compliance; 34166

(b) Pay the renewal fees for the year in which application 34167
for reinstatement is made and the reinstatement fee specified 34168
under division (A)(8) of section 4725.34 of the Revised Code; 34169

(c) Pass all or part of the licensing examination accepted by 34170
the board under section 4725.11 of the Revised Code as the board 34171
considers appropriate to determine whether the application for 34172
reinstatement should be approved; 34173

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing. 34174
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(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are met. An optometrist who receives reinstatement is subject to the continuing education requirements specified under division (B) of this section for the year in which reinstatement occurs. 34178
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(J) Each licensed dispensing optician annually shall complete continuing education requirements as follows: 34183
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(1) Licensed spectacle dispensing opticians - four hours of study in spectacle dispensing, approved by the board; 34185
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(2) Licensed contact lens dispensing opticians - eight hours of study in contact lens dispensing, approved by the board; 34187
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(3) Licensed spectacle-contact lens dispensing opticians - courses of study under divisions (J)(1) and (2) of this section. 34189
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(K) Annually, by the first day of November, the board shall mail to each licensed dispensing optician a notice regarding license renewal and include with the notice an application for license renewal. The application shall be in such form and require such pertinent professional biographical data as the board requires. A licensed dispensing optician seeking to continue to practice shall file the renewal application with the board. Filing the application shall serve as notice by the licensed dispensing optician that the appropriate continuing education requirements have been successfully completed. If the board finds that a licensed dispensing optician has not completed the required amount of continuing education, the board shall disapprove the optician's application. The board shall establish, by rule, a license renewal fee. No person who fails to renew their license under this 34191
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division shall be required to take a qualifying examination under 34205
division (D) of section 4725.12 of the Revised Code as a condition 34206
of renewal, provided that an application for renewal and proof of 34207
the requisite continuing education hours are submitted within 34208
ninety days from the date the license expired and the applicant 34209
pays the annual renewal fee and a penalty of seventy-five dollars. 34210
The board may provide, by rule, for an extension of the grace 34211
period for licensed dispensing opticians who are serving in the 34212
armed forces of the United States and for waiver of the continuing 34213
education requirements or the penalty in cases of hardship or 34214
illness. 34215

(L) The board shall approve continuing education programs for 34216
licensed dispensing opticians and shall adopt rules as necessary 34217
for approving the programs. Approved programs shall be scheduled, 34218
sponsored, and conducted in accordance with the board's rules. 34219

Sec. 4725.17. (A) An optometrist who intends not to continue 34220
practicing optometry in this state due to retirement or a decision 34221
to practice in another state or country may apply to the state 34222
vision board of optometry to have the certificates issued to the 34223
optometrist placed on inactive status. Application for inactive 34224
status shall consist of a written notice to the board of the 34225
optometrist's intention to no longer practice in this state. The 34226
board may not accept an application submitted after the 34227
applicant's certificate of licensure and any other certificates 34228
have expired. The board may approve an application for placement 34229
on inactive status only if the applicant's certificates are in 34230
good standing and the applicant is not under disciplinary review 34231
pursuant to section 4725.19 of the Revised Code. 34232

(B) An individual whose certificates have been placed on 34233
inactive status may submit a written application to the board for 34234
reinstatement. For reinstatement to occur, the applicant must meet 34235

all of the following conditions:	34236
(1) Pay the renewal fees for the year in which application	34237
for reinstatement is made and the reinstatement fee specified	34238
under division (A)(9) of section 4725.34 of the Revised Code;	34239
(2) Pass all or part of the licensing examination accepted by	34240
the board under section 4725.11 of the Revised Code as the board	34241
considers appropriate, if the board considers examination	34242
necessary to determine whether the application for reinstatement	34243
should be approved;	34244
(3) If the applicant has been practicing optometry in another	34245
state or country, submit evidence of being in the active practice	34246
of optometry in the other state or country and evidence that the	34247
applicant's license to practice in the other state or country is	34248
in good standing.	34249
(C) The board shall approve an application for reinstatement	34250
if the conditions specified in division (B) of this section are	34251
met. An optometrist who receives reinstatement is subject to the	34252
continuing education requirements specified under section 4725.16	34253
of the Revised Code for the year in which reinstatement occurs.	34254
Sec. 4725.171. (A) An optometrist who discontinued practicing	34255
optometry in this state due to retirement or a decision to	34256
practice in another state or country before the state <u>vision</u> board	34257
of optometry accepted applications for placement of certificates	34258
to practice on inactive status pursuant to section 4725.17 of the	34259
Revised Code may apply to the board to have the optometrist's	34260
certificates reinstated. The board may accept an application for	34261
reinstatement only if, at the time the optometrist's certificates	34262
expired, the certificates were in good standing and the	34263
optometrist was not under disciplinary review by the board.	34264
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(B) For reinstatement to occur, the applicant must meet all 34266
of the following conditions: 34267

(1) Pay the renewal fees for the year in which application 34268
for reinstatement is made and the reinstatement fee specified 34269
under division (A)(10) of section 4725.34 of the Revised Code; 34270

(2) Pass all or part of the licensing examination accepted by 34271
the board under section 4725.11 of the Revised Code as the board 34272
considers appropriate, if the board considers examination 34273
necessary to determine whether the application for reinstatement 34274
should be approved; 34275

(3) If the applicant has been practicing optometry in another 34276
state or country, submit evidence of being in the active practice 34277
of optometry in the other state or country and evidence that the 34278
applicant's license to practice in the other state or country is 34279
in good standing. 34280

(C) The board shall approve an application for reinstatement 34281
if the conditions specified in division (B) of this section are 34282
met. An optometrist who receives reinstatement is subject to the 34283
continuing education requirements specified under section 4725.16 34284
of the Revised Code for the year in which reinstatement occurs. 34285

Sec. 4725.18. (A) The state vision board ~~of optometry~~ may 34286
issue a certificate of licensure as an optometrist and therapeutic 34287
pharmaceutical agents certificate to an individual licensed as an 34288
optometrist by another state if the board determines that the 34289
other state has standards for the practice of optometry that are 34290
at least as stringent as the standards established under sections 34291
4725.01 to 4725.34 of the Revised Code and the other state 34292
similarly grants licenses to practice optometry to individuals who 34293
hold certificates of licensure issued by the board. 34294

(B) To receive a certificate of licensure and therapeutic 34295

pharmaceutical agents certificate under this section, an applicant 34296
must meet all of the following conditions: 34297

(1) Hold a license to practice optometry from the other state 34298
that is in good standing, evidenced by submission of a letter from 34299
the licensing agency of the other state; 34300

(2) Have been actively engaged in the practice of optometry, 34301
including the use of therapeutic pharmaceutical agents, for at 34302
least three years immediately preceding making application under 34303
this section; 34304

(3) Pay the application fees established under section 34305
4725.34 of the Revised Code for a certificate of licensure and 34306
therapeutic pharmaceutical agents certificate; 34307

(4) Submit all transcripts, reports, or other information the 34308
board requires; 34309

(5) Pass all or part of the licensing examination accepted by 34310
the board under section 4725.11 of the Revised Code, if the board 34311
determines that testing is necessary to determine whether the 34312
applicant's qualifications are sufficient for issuance of a 34313
certificate of licensure and therapeutic pharmaceutical agents 34314
certificate under this section. 34315

(C) If the applicant meets the conditions specified in 34316
division (B) of this section and the board has not previously 34317
denied issuance of a license to the applicant, the board may, by 34318
an affirmative vote of a majority of its members, issue to the 34319
applicant a certificate of licensure as an optometrist and 34320
therapeutic pharmaceutical agents certificate. 34321

Sec. 4725.19. (A) In accordance with Chapter 119. of the 34322
Revised Code and by an affirmative vote of a majority of its 34323
members, the state vision board ~~of optometry~~, for any of the 34324
reasons specified in division (B) of this section, shall refuse to 34325

grant a certificate of licensure to an applicant and may, with
respect to a licensed optometrist or dispensing optician, do one
or more of the following:

(1) Suspend the operation of any certificate of licensure,
topical ocular pharmaceutical agents certificate, or therapeutic
pharmaceutical agents certificate, or all certificates granted by
it to the optometrist or dispensing optician;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of
the certificates;

(4) Reprimand the optometrist or dispensing optician;

(5) Impose a monetary penalty. If the reason for which the
board is imposing the penalty involves a criminal offense that
carries a fine under the Revised Code, the penalty shall not
exceed the maximum fine that may be imposed for the criminal
offense. In any other case, the penalty imposed by the board shall
not exceed five hundred dollars.

(B) The sanctions specified in division (A) of this section
may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or
making false or purposely misleading statements in an application
for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the
jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in
the practice of optometry or optical dispensing;

(4) Being at any time guilty of a felony, regardless of the
jurisdiction in which the act was committed;

(5) Being at any time guilty of a misdemeanor committed in
the course of practice, regardless of the jurisdiction in which

the act was committed;	34356
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	34357 34358 34359
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code <u>or optical dispensing</u> when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	34360 34361 34362 34363 34364
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	34365 34366 34367 34368
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry <u>or optical dispensing</u> as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	34369 34370 34371 34372 34373
(10) Failing to maintain comprehensive patient records;	34374
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	34375 34376 34377
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry <u>or optical dispensing</u> ;	34378 34379 34380 34381 34382
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner	34383 34384 34385

inconsistent with the authority granted; 34386

(14) Failing to make a report to the board as required by 34387
division (A) of section 4725.21 or section 4725.31 of the Revised 34388
Code; 34389

(15) Soliciting patients from door to door or establishing 34390
temporary offices, in which case the board shall suspend all 34391
certificates held by the optometrist or licensed dispensing 34392
optician; 34393

(16) Except as provided in division (D) of this section: 34394

(a) Waiving the payment of all or any part of a deductible or 34395
copayment that a patient, pursuant to a health insurance or health 34396
care policy, contract, or plan that covers optometric services or 34397
the services of a licensed dispensing optician, would otherwise be 34398
required to pay if the waiver is used as an enticement to a 34399
patient or group of patients to receive health care services from 34400
that optometrist or dispensing optician. 34401

(b) Advertising that the optometrist or dispensing optician 34402
will waive the payment of all or any part of a deductible or 34403
copayment that a patient, pursuant to a health insurance or health 34404
care policy, contract, or plan that covers ~~optometric~~ their 34405
services, would otherwise be required to pay. 34406

(17) Optical dispensing without the prescription of a 34407
licensed physician or licensed optometrist, but this shall not 34408
prohibit a dispensing optician from the duplication or replacement 34409
of previously prepared optical aids, except that contact lenses 34410
shall not be duplicated or replaced without a written 34411
prescription; 34412

(18) Paying or offering to pay a rebate or commission of any 34413
nature, directly or indirectly, as a licensed dispensing optician, 34414
or offering any other thing of value to a physician or licensed 34415
optometrist, for a referral of patients. 34416

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(16) of this section against any optometrist or dispensing optician who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered by an optometrist to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

Sec. 4725.20. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state vision board ~~of optometry~~ 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 or certificate issued by the board under this chapter.

Sec. 4725.21. (A) If an optometrist licensed by the state vision board ~~of optometry~~ has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code, the optometrist shall

make a report to the board. 34447

(B) Any person may report to the board in a signed writing 34448
any information that the person may have that appears to show a 34449
violation of any provision of sections 4725.01 to 4725.34 of the 34450
Revised Code or the rules adopted under those sections. 34451

(C) Each complaint or allegation of a violation received by 34452
the board shall be assigned a case number and shall be recorded by 34453
the board. 34454

(D) In the absence of fraud or bad faith, no person who 34455
reports to the board under this section or testifies in any 34456
adjudication conducted under Chapter 119. of the Revised Code 34457
shall be liable to any person for damages in a civil action as a 34458
result of the report or testimony. 34459

Sec. 4725.22. (A) Each insurer providing professional 34460
liability insurance to an optometrist licensed under this chapter, 34461
or any other entity that seeks to indemnify the professional 34462
liability of an optometrist licensed under this chapter, shall 34463
notify the state vision board ~~of optometry~~ within thirty days 34464
after the final disposition of a claim for damages. The notice 34465
shall contain the following information: 34466

(1) The name and address of the person submitting the 34467
notification; 34468

(2) The name and address of the insured who is the subject of 34469
the claim; 34470

(3) The name of the person filing the written claim; 34471

(4) The date of final disposition; 34472

(5) If applicable, the identity of the court in which the 34473
final disposition of the claim took place. 34474

(B) Each optometrist licensed under this chapter shall notify 34475

the board within thirty days of receipt of the final disposition 34476
of a claim for damages or any action involving malpractice. The 34477
optometrist shall notify the board by registered mail and shall 34478
provide all reports and other information required by the board. 34479

(C) Information received under this section is not a public 34480
record for purposes of section 149.43 of the Revised Code and 34481
shall not be released except as otherwise required by law or a 34482
court of competent jurisdiction. 34483

Sec. 4725.23. (A) The state vision board of ~~optometry~~ shall 34484
investigate evidence that appears to show that a person has 34485
violated any provision of sections 4725.01 to 4725.34 of the 34486
Revised Code or any rule adopted under those sections. 34487
Investigations of alleged violations shall be supervised by the 34488
member of the board appointed by the board to act as the 34489
supervising member of investigations. The supervising member shall 34490
not participate in the final vote that occurs in an adjudication 34491
of the case. 34492

(B) In investigating a possible violation, the board may 34493
administer oaths, order the taking of depositions, issue 34494
subpoenas, and compel the attendance of witnesses and production 34495
of books, accounts, papers, records, documents, and testimony. A 34496
subpoena for patient record information shall not be issued 34497
without consultation with the attorney general's office and 34498
approval of the secretary of the board and the board's supervising 34499
member of investigations. Before issuance of a subpoena for 34500
patient record information, the secretary and supervising member 34501
shall determine whether there is probable cause to believe that 34502
the complaint filed alleges a violation of sections 4725.01 to 34503
4725.34 of the Revised Code or any rule adopted under those 34504
sections and that the records sought are relevant to the alleged 34505
violation and material to the investigation. The subpoena may 34506

apply only to records that cover a reasonable period of time 34507
surrounding the alleged violation. 34508

On failure to comply with any subpoena issued by the board 34509
and after reasonable notice to the person being subpoenaed, the 34510
board may move for an order compelling the production of persons 34511
or records pursuant to the Rules of Civil Procedure. 34512

A subpoena issued by the board may be served by a sheriff, 34513
the sheriff's deputy, or a board employee designated by the board. 34514
Service of a subpoena issued by the board may be made by 34515
delivering a copy of the subpoena to the person named therein, 34516
reading it to the person, or leaving it at the person's usual 34517
place of residence. When the person being served is an optometrist 34518
or dispensing optician licensed under ~~by~~ this chapter, service of 34519
the subpoena may be made by certified mail, restricted delivery, 34520
return receipt requested, and the subpoena shall be deemed served 34521
on the date delivery is made or the date the optometrist or 34522
dispensing optician refuses to accept delivery. 34523

Each witness who appears before the board in obedience to a 34524
subpoena shall receive the fees and mileage provided for witnesses 34525
in civil cases in the courts of common pleas. 34526

(C) Information received by the board pursuant to an 34527
investigation is confidential and not subject to discovery in any 34528
civil action. 34529

The board shall conduct all investigations and proceedings in 34530
a manner that protects the confidentiality of patients and persons 34531
who file complaints with the board. The board shall not make 34532
public the names or any other identifying information about 34533
patients or complainants unless proper consent is given. 34534

Sec. 4725.24. If the secretary of the state vision board ~~of~~ 34535
~~optometry~~ and the board's supervising member of investigations 34536

determine that there is clear and convincing evidence that an 34537
optometrist or licensed dispensing optician has violated division 34538
(B) of section 4725.19 of the Revised Code and that the 34539
optometrist's or dispensing optician's continued practice presents 34540
a danger of immediate and serious harm to the public, they may 34541
recommend that the board suspend without a prior hearing the 34542
optometrist's or dispensing optician's certificate of licensure 34543
and any other certificates held by the optometrist or dispensing 34544
optician. Written allegations shall be prepared for consideration 34545
by the full board. 34546

The board, upon review of those allegations and by an 34547
affirmative vote of three members other than the secretary and 34548
supervising member may order the suspension without a prior 34549
hearing. A telephone conference call may be utilized for reviewing 34550
the allegations and taking the vote on the summary suspension. 34551

The board shall issue a written order of suspension by 34552
certified mail or in person in accordance with section 119.07 of 34553
the Revised Code. The order shall not be subject to suspension by 34554
the court during pendency of any appeal filed under section 119.12 34555
of the Revised Code. If the individual subject to the summary 34556
suspension requests an adjudicatory hearing by the board, the date 34557
set for the hearing shall be within fifteen days, but not earlier 34558
than seven days, after the individual requests the hearing, unless 34559
otherwise agreed to by both the board and the individual. 34560

Any summary suspension imposed under this division shall 34561
remain in effect, unless reversed on appeal, until a final 34562
adjudicative order issued by the board pursuant to section 4725.19 34563
of the Revised Code and Chapter 119. of the Revised Code becomes 34564
effective. The board shall issue its final adjudicative order 34565
within sixty days after completion of its hearing. A failure to 34566
issue the order within sixty days shall result in dissolution of 34567
the summary suspension order but shall not invalidate any 34568

subsequent, final adjudicative order. 34569

Sec. 4725.26. (A) Division (A) of section 4725.02 of the 34570
Revised Code does not apply to the following: 34571

~~(A)~~(1) Physicians authorized to practice medicine and surgery 34572
or osteopathic medicine and surgery under Chapter 4731. of the 34573
Revised Code; 34574

~~(B)~~(2) Persons who sell optical accessories but do not assume 34575
to adapt them to the eye, and neither practice nor profess to 34576
practice optometry; 34577

~~(C)~~(3) An instructor in a school of optometry that is located 34578
in this state and approved by the state vision board ~~of optometry~~ 34579
under section 4725.10 of the Revised Code who holds a valid 34580
current license to practice optometry from a licensing body in 34581
another jurisdiction and limits the practice of optometry to the 34582
instruction of students enrolled in the school. 34583

~~(D)~~(4) A student at a school of optometry located in this 34584
state and approved by the board under section 4725.10 of the 34585
Revised Code while enrolled in an optometry training program and 34586
acting under the direct, personal supervision and control of an 34587
optometrist licensed by the board or authorized to practice 34588
pursuant to division ~~(C)~~(A)(3) of this section. 34589

~~(E)~~(5) An individual who is licensed or otherwise 34590
specifically authorized by the Revised Code to engage in an 34591
activity that is included in the practice of optometry. 34592

~~(F)~~(6) An individual who is not licensed or otherwise 34593
specifically authorized by the Revised Code to engage in an 34594
activity that is included in the practice of optometry, but is 34595
acting pursuant to the rules for delegation of optometric tasks 34596
adopted under section 4725.09 of the Revised Code. 34597

(B) Division (E)(1) of section 4725.02 of the Revised Code 34598

<u>does not apply to:</u>	34599
<u>(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, or to persons in the employment and under the supervision of a physician at the physician's office;</u>	34600 34601 34602 34603
<u>(2) An optometrist licensed under this chapter, or to persons in the employment and under the supervision of an optometrist at the optometrist's office.</u>	34604 34605 34606
<u>(C) Nothing in this chapter prevents or restricts any individual, firm, or corporation from employing, or engaging in optical dispensing through, persons licensed as dispensing opticians under this chapter.</u>	34607 34608 34609 34610
Sec. 4725.27. The testimony and reports of an optometrist licensed by the state <u>vision</u> board of optometry under this chapter shall be received by any state, county, municipal, school district, or other public board, body, agency, institution, or official and by any private educational or other institution receiving public funds as competent evidence with respect to any matter within the scope of the practice of optometry. No such board, body, agency, official, or institution shall interfere with any individual's right to a free choice of receiving services from either an optometrist or a physician. No such board, body, agency, official, or institution shall discriminate against an optometrist performing procedures that are included in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures.	34611 34612 34613 34614 34615 34616 34617 34618 34619 34620 34621 34622 34623 34624 34625
Sec. 4725.28. (A) As used in this section, "supplier" means any person who prepares or sells optical accessories or other vision correcting items, devices, or procedures.	34626 34627 34628

(B) A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following:

(1) The date of its issuance;

(2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed.

(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting.

(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or procedure. Any such advertisement shall specify the following:

(1) Whether the advertised item includes an eye examination;

(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses;

(3) In the case of contact lenses, whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination.

(E) The state vision board ~~of optometry~~ shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section.

(F) Any municipal corporation code, ordinance, or regulation

or any township resolution that conflicts with a supplier's right 34659
to advertise as permitted by division (D) of this section is 34660
superseded by division (D) of this section and is invalid. A 34661
municipal corporation code, ordinance, or regulation or a township 34662
resolution conflicts with division (D) of this section if it 34663
restricts a supplier's right to advertise as permitted by division 34664
(D) of this section. 34665

Sec. 4725.29. (A) As used in this section: 34666

(1) "Regional advertisement" means an advertisement published 34667
in more than one metropolitan statistical area in this state or 34668
broadcast by radio or television stations in more than one 34669
metropolitan statistical area in this state. 34670

(2) "National advertisement" means an advertisement published 34671
in one or more periodicals or broadcast by one or more radio or 34672
television stations in this state and also published in one or 34673
more periodicals or broadcast by one or more radio or television 34674
stations in another state. 34675

(B) The state vision board ~~of optometry~~ shall not require any 34676
person who sells optical accessories at more than one location to 34677
list in any regional or national advertisement the name of the 34678
licensed optometrist practicing at a particular location, provided 34679
that in addition to the requirement in division (B) of section 34680
4725.13 of the Revised Code, the name of the optometrist is 34681
prominently displayed at the location. 34682

Sec. 4725.31. An optometrist licensed by the state vision 34683
board ~~of optometry~~ shall promptly report to the board any instance 34684
of a clinically significant drug-induced side effect in a patient 34685
due to the optometrist's administering, employing, applying, or 34686
prescribing a topical ocular or therapeutic pharmaceutical agent 34687
to or for the patient. The board, by rule adopted in accordance 34688

with Chapter 119. of the Revised Code, shall establish reporting 34689
procedures and specify the types of side effects to be reported. 34690
The information provided to the board shall not include the name 34691
of or any identifying information about the patient. 34692

Sec. 4725.33. (A) An individual whom the state vision board 34693
~~of optometry~~ licenses to engage in the practice of optometry may 34694
render the professional services of an optometrist within this 34695
state through a corporation formed under division (B) of section 34696
1701.03 of the Revised Code, a limited liability company formed 34697
under Chapter 1705. of the Revised Code, a partnership, or a 34698
professional association formed under Chapter 1785. of the Revised 34699
Code. This division does not preclude an optometrist from 34700
rendering professional services as an optometrist through another 34701
form of business entity, including, but not limited to, a 34702
nonprofit corporation or foundation, or in another manner that is 34703
authorized by or in accordance with this chapter, another chapter 34704
of the Revised Code, or rules of the state vision board ~~of~~ 34705
~~optometry~~ adopted pursuant to this chapter. 34706

(B) A corporation, limited liability company, partnership, or 34707
professional association described in division (A) of this section 34708
may be formed for the purpose of providing a combination of the 34709
professional services of the following individuals who are 34710
licensed, certificated, or otherwise legally authorized to 34711
practice their respective professions: 34712

(1) Optometrists who are authorized to practice optometry 34713
under Chapter 4725. of the Revised Code; 34714

(2) Chiropractors who are authorized to practice chiropractic 34715
under Chapter 4734. of the Revised Code; 34716

(3) Psychologists who are authorized to practice psychology 34717
under Chapter 4732. of the Revised Code; 34718

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	34719 34720 34721
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	34722 34723
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	34724 34725 34726
(7) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	34727 34728
(8) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code.	34729 34730 34731 34732
This division shall apply notwithstanding a provision of a code of ethics applicable to an optometrist that prohibits an optometrist from engaging in the practice of optometry in combination with a person who is licensed, certificated, or otherwise legally authorized to practice chiropractic, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of optometry.	34733 34734 34735 34736 34737 34738 34739 34740 34741 34742
Sec. 4725.34. (A) The state <u>vision</u> board of optometry shall charge the following nonrefundable fees:	34743 34744
(1) One hundred ten dollars for application for a certificate of licensure;	34745 34746
(2) Twenty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is	34747 34748

to be issued pursuant to division (A)(3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars; (34749
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(3) One hundred ten dollars for renewal of a certificate of licensure; (34751
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(4) Twenty-five dollars for renewal of a topical ocular pharmaceutical agents certificate; (34753
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(5) Twenty-five dollars for renewal of a therapeutic pharmaceutical agents certificate; (34755
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(6) Seventy-five dollars for late completion of continuing optometric education; (34757
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(7) Seventy-five dollars for late renewal of one or more certificates that have expired; (34759
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(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent; (34761
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(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code; (34765
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(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates; (34768
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(11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management. (34770
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(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in (34777
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division (A) of this section if the fees do not exceed the amounts 34779
specified by more than fifty per cent. 34780

(C) All receipts of the board, from any source, shall be 34781
deposited in the state treasury to the credit of the occupational 34782
licensing and regulatory fund. 34783

Sec. 4725.99. (A) Whoever violates section 4725.02 of the 34784
Revised Code shall be fined not more than five hundred dollars for 34785
a first offense; for each subsequent offense such person shall be 34786
fined not less than five hundred nor more than one thousand 34787
dollars, or imprisoned not less than six months nor more than one 34788
year. 34789

~~(B) Whoever violates section 4725.41 of the Revised Code is 34790
guilty of a misdemeanor of the second degree for a first offense, 34791
and a misdemeanor of the first degree for each subsequent offense. 34792~~

~~(C) Whoever violates section 4725.55 or 4725.56 of the 34793
Revised Code is guilty of a misdemeanor of the second degree. 34794~~

~~(D)~~ Whoever violates division (A) of section 4725.21 of the 34795
Revised Code is guilty of a minor misdemeanor for a first offense; 34796
for each subsequent offense, such person is guilty of a 34797
misdemeanor of the second degree. Any violation constitutes a 34798
separate offense on each successive day continued. 34799

~~(E)~~(C) Whoever violates section 4725.32 of the Revised Code 34800
is guilty of a misdemeanor of the third degree. 34801

~~(F)~~(D) Whoever violates section 4725.22 of the Revised Code 34802
is guilty of a minor misdemeanor for a first offense; for each 34803
subsequent offense, such person shall be fined up to one thousand 34804
dollars. 34805

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 34806
Revised Code: 34807

(A)(1) "Clinical laboratory services" means either of the following:	34808 34809
(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;	34810 34811 34812 34813
(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.	34814 34815 34816
(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.	34817 34818
(B) "Designated health services" means any of the following:	34819
(1) Clinical laboratory services;	34820
(2) Home health care services;	34821
(3) Outpatient prescription drugs.	34822
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	34823 34824
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	34825 34826 34827
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	34828 34829 34830 34831
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,	34832 34833 34834 34835 34836

as amended, health care coverage for public employees, health care 34837
benefits administered by the bureau of workers' compensation, the 34838
medical assistance program established under Chapter 5111. of the 34839
Revised Code, and the disability ~~assistance~~ medical assistance 34840
program established under Chapter 5115. of the Revised Code. 34841

(E)(1) "Group practice" means a group of two or more holders 34842
of certificates under this chapter legally organized as a 34843
partnership, professional corporation or association, limited 34844
liability company, foundation, nonprofit corporation, faculty 34845
practice plan, or similar group practice entity, including an 34846
organization comprised of a nonprofit medical clinic that 34847
contracts with a professional corporation or association of 34848
physicians to provide medical services exclusively to patients of 34849
the clinic in order to comply with section 1701.03 of the Revised 34850
Code and including a corporation, limited liability company, 34851
partnership, or professional association described in division (B) 34852
of section 4731.226 of the Revised Code formed for the purpose of 34853
providing a combination of the professional services of 34854
optometrists who are licensed, certificated, or otherwise legally 34855
authorized to practice optometry under Chapter 4725. of the 34856
Revised Code, chiropractors who are licensed, certificated, or 34857
otherwise legally authorized to practice chiropractic under 34858
Chapter 4734. of the Revised Code, psychologists who are licensed, 34859
certificated, or otherwise legally authorized to practice 34860
psychology under Chapter 4732. of the Revised Code, registered or 34861
licensed practical nurses who are licensed, certificated, or 34862
otherwise legally authorized to practice nursing under Chapter 34863
4723. of the Revised Code, pharmacists who are licensed, 34864
certificated, or otherwise legally authorized to practice pharmacy 34865
under Chapter 4729. of the Revised Code, physical therapists who 34866
are licensed, certificated, or otherwise legally authorized to 34867
practice physical therapy under sections 4755.40 to 4755.53 of the 34868
Revised Code, mechanotherapists who are licensed, certificated, or 34869

otherwise legally authorized to practice mechanotherapy under 34870
section 4731.151 of the Revised Code, and doctors of medicine and 34871
surgery, osteopathic medicine and surgery, or podiatric medicine 34872
and surgery who are licensed, certificated, or otherwise legally 34873
authorized for their respective practices under this chapter, to 34874
which all of the following apply: 34875

(a) Each physician who is a member of the group practice 34876
provides substantially the full range of services that the 34877
physician routinely provides, including medical care, 34878
consultation, diagnosis, or treatment, through the joint use of 34879
shared office space, facilities, equipment, and personnel. 34880

(b) Substantially all of the services of the members of the 34881
group are provided through the group and are billed in the name of 34882
the group and amounts so received are treated as receipts of the 34883
group. 34884

(c) The overhead expenses of and the income from the practice 34885
are distributed in accordance with methods previously determined 34886
by members of the group. 34887

(d) The group practice meets any other requirements that the 34888
state medical board applies in rules adopted under section 4731.70 34889
of the Revised Code. 34890

(2) In the case of a faculty practice plan associated with a 34891
hospital with a medical residency training program in which 34892
physician members may provide a variety of specialty services and 34893
provide professional services both within and outside the group, 34894
as well as perform other tasks such as research, the criteria in 34895
division (E)(1) of this section apply only with respect to 34896
services rendered within the faculty practice plan. 34897

(F) "Home health care services" and "immediate family" have 34898
the same meanings as in the rules adopted under section 4731.70 of 34899
the Revised Code. 34900

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 34901
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(H) A "referral" includes both of the following: 34903

(1) A request by a holder of a certificate under this chapter for an item or service, including a request for a consultation with another physician and any test or procedure ordered by or to be performed by or under the supervision of the other physician; 34904
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(2) A request for or establishment of a plan of care by a certificate holder that includes the provision of designated health services. 34908
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(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 34911
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Sec. 4731.71. The auditor of state may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code within governmental health care programs administered by the state. The auditor of state shall report any violation of either section to the state medical board and shall certify to the attorney general in accordance with section 131.02 of the Revised Code the amount of any refund owed to a state-administered governmental health care program under section 4731.69 of the Revised Code as a result of a violation. If a refund is owed to the medical assistance program established under Chapter 5111. of the Revised Code or the disability ~~assistance~~ medical assistance program established under Chapter 5115. of the Revised Code, the auditor of state also shall report the amount to the department of commerce. 34913
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The state medical board also may implement procedures to detect violations of section 4731.66 or 4731.69 of the Revised Code. 34927
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Sec. 4734.15. (A) The license provided for in this chapter 34930
shall entitle the holder thereof to practice chiropractic in this 34931
state. All of the following apply to the practice of chiropractic 34932
in this state: 34933

(1) A chiropractor is authorized to examine, diagnose, and 34934
assume responsibility for the care of patients, any or all of 34935
which is included in the practice of chiropractic. 34936

(2) The practice of chiropractic does not permit the 34937
chiropractor to treat infectious, contagious, or venereal disease, 34938
to perform surgery or acupuncture, or to prescribe or administer 34939
drugs for treatment. 34940

(3) A chiropractor may use roentgen rays only for diagnostic 34941
purposes. 34942

(4) The practice of chiropractic does not include the 34943
performance of abortions. 34944

(B) An individual holding a valid, current license to 34945
practice chiropractic is entitled to use the title "doctor," 34946
"doctor of chiropractic," "chiropractic physician," or 34947
"chiropractic" and is a "physician" for the purposes of Chapter 34948
4123. of the Revised Code ~~and the medicaid program operated~~ 34949
~~pursuant to Chapter 5111. of the Revised Code.~~ 34950

Sec. 4734.99. (A) Whoever violates section 4734.14 of the 34951
Revised Code is guilty of a felony of the fifth degree on a first 34952
offense, unless the offender previously has been convicted of or 34953
has pleaded guilty to a violation of section 2911.01, 2911.02, 34954
2911.11, 2911.12, 2911.13, 2913.02, 2913.40, 2913.47, 2913.48, 34955
2913.51, 2921.13, 4715.09, 4723.03, 4725.02, ~~4725.41~~, 4729.27, 34956
4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 4731.41, 4731.43, 34957
4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 4741.19, 4755.48, 34958
4757.02, 4759.02, 4761.10, or 4773.02 of the Revised Code or an 34959

offense under an existing or former law of this state, another 34960
state, or the United States that is or was substantially 34961
equivalent to a violation of any of those sections, in which case 34962
the offender is guilty of a felony of the fourth degree. For each 34963
subsequent offense, the offender is guilty of a felony of the 34964
fourth degree. 34965

(B) Whoever violates section 4734.161 of the Revised Code is 34966
guilty of a misdemeanor of the first degree. 34967

(C) Whoever violates division (A), (B), (C), or (D) of 34968
section 4734.32 of the Revised Code is guilty of a minor 34969
misdemeanor on a first offense; on each subsequent offense, the 34970
person is guilty of a misdemeanor of the fourth degree, except 34971
that an individual guilty of a subsequent offense shall not be 34972
subject to imprisonment, but to a fine alone of up to one thousand 34973
dollars for each offense. 34974

Sec. 4736.12. (A) The state board of sanitarian registration 34975
shall charge the following fees: 34976

(1) To apply as a sanitarian-in-training, ~~fifty-seven~~ 34977
seventy-five dollars; 34978

(2) For sanitarians-in-training to apply for registration as 34979
sanitarians, ~~fifty-seven~~ seventy-five dollars. The applicant shall 34980
pay this fee only once regardless of the number of times the 34981
applicant takes an examination required under section 4736.08 of 34982
the Revised Code. 34983

(3) For persons other than sanitarians-in-training to apply 34984
for registration as sanitarians, including persons meeting the 34985
requirements of section 4736.16 of the Revised Code, one hundred 34986
~~fourteen~~ fifty dollars. The applicant shall pay this fee only once 34987
regardless of the number of times the applicant takes an 34988
examination required under section 4736.08 of the Revised Code. 34989

(4) The renewal fee for registered sanitarians shall be fixed	34990
by the board and shall not exceed sixty-one <u>sixty-nine</u> dollars.	34991
(5) The renewal fee for sanitarians-in-training shall be	34992
fixed by the board and shall not exceed sixty-one <u>sixty-nine</u>	34993
dollars.	34994
(6) For late application for renewal, twenty-five dollars.	34995
The board of sanitarian registration, with the approval of	34996
the controlling board, may establish fees in excess of the amounts	34997
provided in this section, provided that such fees do not exceed	34998
the amounts permitted by this section by more than fifty per cent.	34999
(B) The board of sanitarian registration shall charge	35000
separate fees for examinations as required by section 4736.08 of	35001
the Revised Code, provided that the fees are not in excess of the	35002
actual cost to the board of conducting the examinations.	35003
(C) The board of sanitarian registration may adopt rules	35004
establishing fees for all of the following:	35005
(1) Application for the registration of a training agency	35006
approved under rules adopted by the board pursuant to section	35007
4736.11 of the Revised Code and for the annual registration	35008
renewal of an approved training agency.	35009
(2) Application for the review of continuing education hours	35010
submitted for the board's approval by approved training agencies	35011
or by registered sanitarians or sanitarians-in-training.	35012
Sec. 4741.17. (A) Applicants or registrants shall pay to the	35013
state veterinary medical licensing board:	35014
(1) For an initial veterinary license based on examination,	35015
on or after the first day of March in an even-numbered year, three	35016
hundred seventy-five dollars, and on or after the first day of	35017
March in an odd-numbered year, two hundred fifty dollars;	35018

(2) For a veterinary license by reciprocity issued on or	35019
after the first day of March in an even-numbered year, four	35020
hundred twenty-five dollars, and on or after the first day of	35021
March in an odd-numbered year, three hundred dollars;	35022
(3) For a veterinary temporary permit, one hundred dollars;	35023
(4) For a duplicate license, thirty-five dollars;	35024
(5) For the veterinary biennial renewal fee, where the	35025
application is postmarked no later than the first day of March,	35026
one hundred fifty-five dollars; where the application is	35027
postmarked after the first day of March, but no later than the	35028
first day of April, two hundred twenty-five dollars; and where the	35029
application is postmarked after the first day of April, four	35030
hundred fifty dollars;	35031
(6) For an initial registered veterinary technician	35032
registration fee on or after the first day of March in an	35033
odd-numbered year, thirty-five dollars, and on or after the first	35034
day of March in an even-numbered year, twenty-five dollars;	35035
(7) For the biennial renewal registration fee of a registered	35036
veterinary technician, where the application is postmarked no	35037
later than the first day of March, thirty-five <u>forty-five</u> dollars;	35038
where the application is postmarked after the first day of March,	35039
but no later than the first day of April, forty-five <u>fifty-five</u>	35040
dollars; and where the application is postmarked after the first	35041
day of April, sixty <u>sixty-five</u> dollars;	35042
(8) For a specialist certificate, fifty dollars. The	35043
certificate is not subject to renewal.	35044
(9) For the reinstatement of a suspended license,	35045
seventy-five dollars;	35046
(10) For examinations offered by the board, a fee, which	35047
shall be established by the board, in an amount adequate to cover	35048

the expense of procuring, administering, and scoring examinations. 35049

(B) The board, subject to the approval of the controlling 35050
board, may establish fees in excess of the amounts provided in 35051
this section, provided that the fees do not exceed the amounts 35052
permitted by this section by more than fifty per cent. 35053

(C) For the purposes of divisions (A)(5) and (7) of this 35054
section, a date stamp of the office of the board may serve in lieu 35055
of a postmark. 35056

Sec. 4743.05. Except as otherwise provided in sections 35057
4701.20 and 4729.65 of the Revised Code, all money collected under 35058
Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 35059
4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 35060
4757., 4758., 4759., ~~and 4761., 4771., and 4779.~~ of the Revised 35061
Code, ~~and until December 31, 2004, money collected under Chapter~~ 35062
~~4779. of the Revised Code,~~ shall be paid into the state treasury 35063
to the credit of the occupational licensing and regulatory fund, 35064
which is hereby created for use in administering such chapters. 35065

At the end of each quarter, the director of budget and 35066
management shall transfer from the occupational licensing and 35067
regulatory fund to the nurse education assistance fund created in 35068
section 3333.28 of the Revised Code the amount certified to the 35069
director under division (B) of section 4723.08 of the Revised 35070
Code. 35071

At the end of each quarter, the director shall transfer from 35072
the occupational licensing and regulatory fund to the certified 35073
public accountant education assistance fund created in section 35074
4701.26 of the Revised Code the amount certified to the director 35075
under division (H)(2) of section 4701.10 of the Revised Code. 35076

Sec. 4747.05. (A) The hearing aid dealers and fitters 35077
licensing board shall issue to each applicant, within sixty days 35078

of receipt of a properly completed application and payment of two 35079
hundred ~~fifty~~ sixty-two dollars, a hearing aid dealer's or 35080
fitter's license if the applicant, if an individual: 35081

(1) Is at least eighteen years of age; 35082

(2) Is a person of good moral character; 35083

(3) Is free of contagious or infectious disease; 35084

(4) Has successfully passed a qualifying examination 35085
specified and administered by the board. 35086

(B) If the applicant is a firm, partnership, association, or 35087
corporation, the application, in addition to such information as 35088
the board requires, shall be accompanied by an application for a 35089
license for each person, whether owner or employee, of the firm, 35090
partnership, association, or corporation, who engages in dealing 35091
in or fitting of hearing aids, or shall contain a statement that 35092
such applications are submitted separately. No firm, partnership, 35093
association, or corporation licensed pursuant to this chapter 35094
shall permit any unlicensed person to sell or fit hearing aids. 35095

(C) Each license issued expires on the thirtieth day of 35096
January of the year following that in which it was issued. 35097

Sec. 4747.06. (A) Each person engaged in the practice of 35098
dealing in or fitting of hearing aids who holds a valid hearing 35099
aid dealer's or fitter's license shall apply annually to the 35100
hearing aid dealers and fitters licensing board for renewal of 35101
such license under the standard renewal procedure specified in 35102
Chapter 4745. of the Revised Code. The board shall issue to each 35103
applicant, on proof of completion of the continuing education 35104
required by division (B) of this section and payment of one 35105
hundred ~~fifty~~ fifty-seven dollars on or before the first day of 35106
February, one hundred ~~seventy-five~~ eighty-three dollars on or 35107
before the first day of March, or two hundred ten dollars 35108

thereafter, a renewed hearing aid dealer's or fitter's license. No 35109
person who applies for renewal of a hearing aid dealer's or 35110
fitter's license that has expired shall be required to take any 35111
examination as a condition of renewal provided application for 35112
renewal is made within two years of the date such license expired. 35113

(B) Each person engaged in the practice of dealing in or 35114
fitting of hearing aids who holds a valid hearing aid dealer's or 35115
fitter's license shall complete each year not less than ten hours 35116
of continuing professional education approved by the board. On a 35117
form provided by the board, the person shall certify to the board, 35118
at the time of license renewal pursuant to division (A) of this 35119
section, that in the preceding year the person has completed 35120
continuing education in compliance with this division and shall 35121
submit any additional information required by rule of the board 35122
regarding the continuing education. The board shall adopt rules in 35123
accordance with Chapter 119. of the Revised Code establishing the 35124
standards continuing education programs must meet to obtain board 35125
approval and continuing education reporting requirements. 35126

Continuing education may be applied to meet the requirement 35127
of this division if it is provided or certified by any of the 35128
following: 35129

(1) The national institute of hearing instruments studies 35130
committee of the international hearing society; 35131

(2) The American speech-language hearing association; 35132

(3) The American academy of audiology. 35133

The board may excuse persons licensed under this chapter, as 35134
a group or as individuals, from all or any part of the 35135
requirements of this division because of an unusual circumstance, 35136
emergency, or special hardship. 35137

Sec. 4747.07. Each person who holds a hearing aid dealer's or 35138

fitter's license and engages in the practice of dealing in and 35139
fitting of hearing aids shall display such license in a 35140
conspicuous place in the person's office or place of business at 35141
all times. Each person who maintains more than one office or place 35142
of business shall post a duplicate copy of the license at each 35143
location. The hearing aid dealers and fitters licensing board 35144
shall issue duplicate copies of a license upon receipt of a 35145
properly completed application and payment of ~~fifteen~~ sixteen 35146
dollars for each copy requested. 35147

Sec. 4747.10. Each person currently engaged in training to 35148
become a licensed hearing aid dealer or fitter shall apply to the 35149
hearing aid dealers and fitters licensing board for a hearing aid 35150
dealer's and fitter's trainee permit. The board shall issue to 35151
each applicant within thirty days of receipt of a properly 35152
completed application and payment of one hundred fifty dollars, a 35153
trainee permit if such applicant is: 35154

(A) At least eighteen years of age; 35155

(B) The holder of a diploma from an accredited high school, 35156
or possesses an equivalent education; 35157

(C) A person of good moral character; 35158

(D) Free of contagious or infectious disease. 35159

Each trainee permit issued by the board expires one year from 35160
the date it was first issued, and may be renewed once if the 35161
trainee has not successfully completed the qualifying requirements 35162
for licensing as a hearing aid dealer or fitter before the 35163
expiration date of such permit. The board shall issue a renewed 35164
permit to each applicant upon receipt of a properly completed 35165
application and payment of one hundred five dollars. No person 35166
holding a trainee permit shall engage in the practice of dealing 35167
in or fitting of hearing aids except while under supervision by a 35168

licensed hearing aid dealer or fitter. 35169

Sec. 4751.06. (A) An applicant for licensure as a nursing 35170
home administrator who has successfully completed the requirements 35171
of section 4751.05 of the Revised Code, passed the examination 35172
administered by the board of examiners of nursing home 35173
administrators or a government or private entity under contract 35174
with the board, and paid to the board an original license fee of 35175
two hundred ~~ten~~ fifty dollars shall be issued a license on a form 35176
provided by the board. Such license shall certify that the 35177
applicant has met the licensure requirements of Chapter 4751. of 35178
the Revised Code and is entitled to practice as a licensed nursing 35179
home administrator. 35180

(B) A temporary license for a period not to exceed one 35181
hundred eighty days may be issued to an individual temporarily 35182
filling the position of a nursing home administrator vacated by 35183
reason of death, illness, or other unexpected cause, pursuant to 35184
regulations adopted by the board. 35185

(C) The fee for a temporary license is one hundred dollars. 35186
Said fee must accompany the application for the temporary license. 35187

(D) Any license or temporary license issued by the board 35188
pursuant to this section shall be under the hand of the 35189
chairperson and the secretary of the board. 35190

(E) A duplicate of the original certificate of registration 35191
or license may be secured to replace one that has been lost or 35192
destroyed by submitting to the board a notarized statement 35193
explaining the conditions of the loss, mutilation, or destruction 35194
of the certificate or license and by paying a fee of twenty-five 35195
dollars. 35196

(F) A duplicate certificate of registration and license may 35197
be issued in the event of a legal change of name by submitting to 35198

the board a certified copy of the court order or marriage license 35199
establishing the change of name, by returning at the same time the 35200
original license and certificate of registration, and by paying a 35201
fee of twenty-five dollars. 35202

Sec. 4751.07. (A) Every individual who holds a valid license 35203
as a nursing home administrator issued under division (A) of 35204
section 4751.06 of the Revised Code, shall immediately upon 35205
issuance thereof be registered with the board of examiners of 35206
nursing home administrators and be issued a certificate of 35207
registration. Such individual shall annually apply to the board 35208
for a new certificate of registration on forms provided for such 35209
purpose prior to the expiration of the certificate of registration 35210
and shall at the same time submit satisfactory evidence to the 35211
board of having attended such continuing education programs or 35212
courses of study as may be prescribed in rules adopted by the 35213
board. 35214

(B) Upon making an application for a new certificate of 35215
registration such individual shall pay the annual registration fee 35216
of two hundred ~~ten~~ seventy-five dollars. 35217

(C) Upon receipt of such application for registration and the 35218
registration fee required by divisions (A) and (B) of this 35219
section, the board shall issue a certificate of registration to 35220
such nursing home administrator. 35221

(D) The license of a nursing home administrator who fails to 35222
comply with this section shall automatically lapse. 35223

(E) A nursing home administrator who has been licensed and 35224
registered in this state who determines to temporarily abandon the 35225
practice of nursing home administration shall notify the board in 35226
writing immediately; provided, that such individual may thereafter 35227
register to resume the practice of nursing home administration 35228
within the state upon complying with the requirements of this 35229

section regarding annual registration. 35230

(F) Only an individual who has qualified as a licensed and 35231
registered nursing home administrator under Chapter 4751. of the 35232
Revised Code and the rules adopted thereunder, and who holds a 35233
valid current registration certificate pursuant to this section, 35234
may use the title "nursing home administrator," or the 35235
abbreviation "N.H.A." after the individual's name. No other person 35236
shall use such title or such abbreviation or any other words, 35237
letters, sign, card, or device tending to indicate or to imply 35238
that the person is a licensed and registered nursing home 35239
administrator. 35240

(G) Every person holding a valid license entitling the person 35241
to practice nursing home administration in this state shall 35242
display said license in the nursing home which is the person's 35243
principal place of employment, and while engaged in the practice 35244
of nursing home administration shall have at hand the current 35245
registration certificate. 35246

(H) Every person holding a valid temporary license shall have 35247
such license at hand while engaged in the practice of nursing home 35248
administration. 35249

Sec. 4759.08. (A) The Ohio board of dietetics shall charge 35250
and collect fees as described in this section for issuing the 35251
following: 35252

(1) An application for an initial dietitian license, or an 35253
application for ~~reinstatement~~ reactivation of an inactive license, 35254
one hundred ~~ten~~ twenty-five dollars, and for reinstatement of a 35255
lapsed, revoked, or suspended license, one hundred ~~sixty-five~~ 35256
eighty-two dollars and fifty cents; 35257

(2) License renewal, ~~eighty~~ ninety-five dollars; 35258

(3) A limited permit, and renewal of the permit, ~~fifty-five~~ 35259

<u>sixty-two dollars and fifty cents;</u>	35260
(4) A duplicate license or permit, twenty dollars;	35261
(5) For processing a late application for renewal of any license or permit, an additional fee equal to fifty per cent of the fee for the renewal.	35262 35263 35264
(B) The board shall not require a licensed dietitian holding an inactive license to pay the renewal fee.	35265 35266
(C) Subject to the approval of the controlling board, the Ohio board of dietetics may establish fees in excess of the amounts provided in division (A) of this section, provided that the fees do not exceed the amounts by greater than fifty per cent.	35267 35268 35269 35270
(D) The board may adopt rules pursuant to Chapter 119. of the Revised Code to waive all or part of the fee for an initial license if the license is issued within one hundred days of the date of expiration of the license.	35271 35272 35273 35274
(E) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board.	35275 35276 35277 35278 35279
Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the athlete agents registration <u>occupational licensing and regulatory</u> fund, which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter <u>under section 4743.05 of the Revised Code.</u>	35280 35281 35282 35283 35284 35285
Sec. 4779.08. (A) The state <u>medical</u> board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this	35286 35287 35288

chapter, including rules prescribing all of the following:	35289
(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;	35290 35291
(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;	35292 35293 35294
(3) The form, scoring, and scheduling of licensing examinations;	35295 35296
(4) Fees for examinations and applications for licensure and license renewal;	35297 35298
(5) Fees for approval of continuing education courses;	35299
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	35300 35301
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	35302 35303
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	35304 35305
(9) Fines for violations of this chapter;	35306
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	35307 35308 35309
(11) Standards for continuing education programs required for license renewal;	35310 35311
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	35312 35313
(B) The board may adopt any other rules necessary for the administration of this chapter.	35314 35315
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall from the effective date of this	35316 35317

section until December 31, 2004, deposit the fees in the 35318
occupational licensing and regulatory fund established in section 35319
4743.05 of the Revised Code. 35320

Sec. 4779.09. An applicant for a license to practice 35321
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 35322
shall apply to the state medical board ~~of orthotics, prosthetics,~~ 35323
~~and pedorthics~~ in accordance with rules adopted under section 35324
4779.08 of the Revised Code and pay the application fee specified 35325
in the rules. The board shall issue a license to an applicant who 35326
is eighteen years of age or older, of good moral character, and 35327
meets either the requirements of divisions (A) and (B) of this 35328
section or the requirements of section 4779.16 or 4779.17 of the 35329
Revised Code. 35330

(A) The applicant must pass an examination conducted pursuant 35331
to section 4779.15 of the Revised Code; 35332

(B) The applicant must meet the requirements of one of the 35333
following: 35334

(1) In the case of an applicant for a license to practice 35335
orthotics, the requirements of section 4779.10 of the Revised 35336
Code; 35337

(2) In the case of an applicant for a license to practice 35338
prosthetics, the requirements of section 4779.11 of the Revised 35339
Code; 35340

(3) In the case of an applicant for a license to practice 35341
orthotics and prosthetics, the requirements of section 4779.12 of 35342
the Revised Code; 35343

(4) In the case of an applicant for a license to practice 35344
pedorthics, the requirements of section 4779.13 of the Revised 35345
Code. 35346

Sec. 4779.10. To be eligible for a license to practice orthotics, an applicant must meet the requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.

(1) On the date of application, the applicant has practiced orthotics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics;

(2) The applicant has completed an orthotics residency program approved by the board under section 4779.27 of the Revised Code;

(3) One of the following is the case:

(a) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the state ~~medical board of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board;

(b) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code.

(B) This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or

(b) of this section: 35377

(1) If application is made on or before January 1, 2006, the 35378
applicant meets all of the following requirements: 35379

(a) Holds an associate's degree or higher from an accredited 35380
college or university or an equivalent credential from a foreign 35381
educational institution recognized by the board; 35382

(b) Has completed a certificate program in orthotics 35383
recognized by the board under section 4779.26 of the Revised Code; 35384

(c) Has three years of documented, full-time experience 35385
practicing or teaching orthotics. 35386

(2) If the application is made on or before January 1, 2008, 35387
the applicant meets the requirements of division (B)(2)(a) or (b) 35388
of this section: 35389

(a)(i) The applicant holds a bachelor's degree or higher from 35390
a nationally accredited college or university or an equivalent 35391
credential from a foreign educational institution recognized by 35392
the board; 35393

(ii) The applicant holds a valid certificate in orthotics 35394
issued by the American board for certification in orthotics and 35395
prosthetics, the board for orthotist/prosthetist certification, or 35396
an equivalent successor organization recognized by the board; 35397

(iii) The applicant has completed three years of documented, 35398
full-time experience practicing or teaching orthotics. 35399

(b)(i) The applicant holds a bachelor's degree or higher from 35400
a nationally accredited college or university or an equivalent 35401
credential from a foreign educational institution recognized by 35402
the board; 35403

(ii) The applicant has completed a certificate program in 35404
orthotics recognized by the board under section 4779.26 of the 35405
Revised Code; 35406

(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching orthotics.

Sec. 4779.11. To be eligible for a license to practice prosthetics, an applicant must meet the requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section:

(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.

(1) On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics;

(2) The applicant has completed a prosthetics residency program approved by the board under section 4779.27 of the Revised Code;

(3) One of the following is the case:

(a) The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the state medical board ~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board;

(b) The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by

the board and has completed a certificate program in prosthetics 35437
recognized by the board under section 4779.26 of the Revised Code. 35438

(B) This division applies to applications made on or before 35439
January 1, 2008. The requirements of this division are met if the 35440
applicant is in compliance with division (B)(1) or (B)(2)(a) or 35441
(b) of this section: 35442

(1) If application is made on or before January 1, 2006, the 35443
applicant meets all of the following requirements: 35444

(a) Holds an associate's degree or higher from an accredited 35445
college or university or an equivalent credential from a foreign 35446
educational institution recognized by the board; 35447

(b) Has completed a certificate program in prosthetics 35448
recognized by the board under section 4779.26 of the Revised Code; 35449

(c) Has three years of documented, full-time experience 35450
practicing or teaching prosthetics. 35451

(2) If the application is made on or before January 1, 2008, 35452
the applicant meets the requirements of division (B)(2)(a) or (b) 35453
of this section: 35454

(a)(i) The applicant holds a bachelor's degree or higher from 35455
a nationally accredited college or university or an equivalent 35456
credential from a foreign educational institution recognized by 35457
the board; 35458

(ii) The applicant holds a valid certificate in prosthetics 35459
issued by the American board for certification in orthotics and 35460
prosthetics, the board for orthotist/prosthetist certification, or 35461
an equivalent successor organization recognized by the board; 35462

(iii) The applicant has completed three years of documented, 35463
full-time experience practicing or teaching prosthetics. 35464

(b)(i) The applicant holds a bachelor's degree or higher from 35465
a nationally accredited college or university or an equivalent 35466

credential from a foreign educational institution recognized by 35467
the board; 35468

(ii) The applicant has completed a certificate program in 35469
prosthetics recognized by the board under section 4779.26 of the 35470
Revised Code; 35471

(iii) The applicant has completed a residency program in 35472
prosthetics recognized by the board under section 4779.27 of the 35473
Revised Code or has three years of documented, full-time 35474
experience practicing or teaching prosthetics. 35475

Sec. 4779.12. To be eligible for a license to practice 35476
orthotics and prosthetics, an applicant must meet the requirements 35477
of division (A) of this section, or, if the application is made on 35478
or before January 1, 2008, the requirements of either division (A) 35479
or (B) of this section: 35480

(A) The requirements of this division are met if the 35481
applicant is in compliance with divisions (A)(1), (2), and (3) of 35482
this section. 35483

(1) On the date of application, the applicant has practiced 35484
orthotics and prosthetics for not less than eight months under the 35485
supervision of an individual licensed under this chapter to 35486
practice orthotics and prosthetics; 35487

(2) The applicant has completed an orthotics and prosthetics 35488
residency program approved by the board under section 4779.27 of 35489
the Revised Code; 35490

(3) One of the following is the case: 35491

(a) The applicant holds a bachelor's degree in orthotics and 35492
prosthetics from an accredited college or university whose 35493
orthotics and prosthetics program is recognized by the state 35494
medical board of ~~orthotics, prosthetics, and pedorthics~~ under 35495
section 4779.25 of the Revised Code or an equivalent educational 35496

credential from a foreign educational institution recognized by 35497
the board; 35498

(b) The applicant holds a bachelor's degree in a subject 35499
other than orthotics and prosthetics or an equivalent educational 35500
credential from a foreign educational institution recognized by 35501
the board and has completed a certificate program in orthotics and 35502
prosthetics recognized by the board under section 4779.26 of the 35503
Revised Code. 35504

(B) This division applies to applications made on or before 35505
January 1, 2008. The requirements of this division are met if the 35506
applicant is in compliance with division (B)(1) or (B)(2)(a) or 35507
(b) of this section: 35508

(1) If application is made on or before January 1, 2006, the 35509
applicant meets all of the following requirements: 35510

(a) Holds an associate's degree or higher from an accredited 35511
college or university or an equivalent credential from a foreign 35512
educational institution recognized by the board; 35513

(b) Has completed a certificate program in orthotics and 35514
prosthetics recognized by the board under section 4779.26 of the 35515
Revised Code; 35516

(c) Has six years of documented, full-time experience 35517
practicing or teaching orthotics or prosthetics. 35518

(2) If the application is made on or before January 1, 2008, 35519
the applicant meets the requirements of division (B)(2)(a) or (b) 35520
of this section: 35521

(a)(i) The applicant holds a bachelor's degree or higher from 35522
a nationally accredited college or university or an equivalent 35523
credential from a foreign educational institution recognized by 35524
the board; 35525

(ii) The applicant holds a valid certificate in orthotics and 35526

prosthetics issued by the American board for certification in 35527
orthotics and prosthetics, the board for orthotist/prosthetist 35528
certification, or an equivalent successor organization recognized 35529
by the board; 35530

(iii) The applicant has completed six years of documented, 35531
full-time experience practicing or teaching orthotics or 35532
prosthetics. 35533

(b)(i) The applicant holds a bachelor's degree or higher from 35534
a nationally accredited college or university or an equivalent 35535
credential from a foreign educational institution recognized by 35536
the board; 35537

(ii) The applicant has completed a certificate program in 35538
orthotics and prosthetics recognized by the board under section 35539
4779.26 of the Revised Code; 35540

(iii) The applicant has completed a residency program in 35541
orthotics and prosthetics recognized by the board under section 35542
4779.27 of the Revised Code or has six years of documented, 35543
full-time experience practicing or teaching orthotics or 35544
prosthetics. 35545

Sec. 4779.15. Except as provided in sections 4779.16 and 35546
4779.17 of the Revised Code, the state medical board ~~of orthotics,~~ 35547
~~prosthetics, and pedorthics~~ shall examine or cause to be examined 35548
each individual who seeks to practice orthotics, prosthetics, 35549
orthotics and prosthetics, or pedorthics in this state. 35550

To be eligible to take an examination conducted by the board 35551
or an entity recognized by the board for the purpose of this 35552
section, an individual must file an application and pay an 35553
examination fee as specified in rules adopted by the board under 35554
section 4779.08 of the Revised Code and meet all the requirements 35555
of section 4779.09 of the Revised Code other than the requirement 35556

of having passed the examination. 35557

Examinations shall be conducted at least once a year in 35558
accordance with rules adopted by the board under section 4779.08 35559
of the Revised Code. Each applicant shall be examined in such 35560
subjects as the board requires. 35561

The board may use as its examination all or part of a 35562
standard orthotics, prosthetics, orthotics and prosthetics, or 35563
pedorthics licensing examination established for the purpose of 35564
determining the competence of individuals to practice orthotics, 35565
prosthetics, or pedorthics in the United States. In lieu of 35566
conducting examinations, the board may accept the results of 35567
examinations conducted by entities recognized by the board. 35568

Sec. 4779.16. The state medical board ~~of orthotics,~~ 35569
~~prosthetics, and pedorthics~~ shall issue a license under section 35570
4779.09 of the Revised Code to practice orthotics, prosthetics, 35571
orthotics and prosthetics, or pedorthics without examination to an 35572
applicant who meets the requirements of divisions (A) and (B) of 35573
this section: 35574

(A) Not later than July 27, 2001, applies to the board in 35575
accordance with section 4779.09 of the Revised Code; 35576

(B)(1) In the case of an applicant for a license to practice 35577
orthotics, is actively practicing or teaching orthotics on October 35578
27, 2000, and complies with division (B)(1)(a) or (b) of this 35579
section: 35580

(a) The applicant meets all of the following requirements: 35581

(i) Holds a bachelor's degree or higher from a nationally 35582
accredited college or university in the United States; 35583

(ii) Has completed a certificate program in orthotics 35584
approved by the board under section 4779.26 of the Revised Code; 35585

(iii) Is certified in orthotics by the American board for 35586

certification in orthotics and prosthetics, the board of 35587
orthotist/prosthetist certification, or an equivalent successor 35588
organization recognized by the board; 35589

(iv) Has completed a residency program approved by the board 35590
under section 4779.27 of the Revised Code. 35591

(b) The individual meets both of the following requirements: 35592

(i) Has a minimum of three years of documented, full-time 35593
experience practicing or teaching orthotics; 35594

(ii) Has passed the certification examination in orthotics 35595
developed by the American board of certification in orthotics and 35596
prosthetics, the board of orthotist/prosthetist certification, or 35597
an equivalent organization recognized by the board. 35598

(2) In the case of an applicant for a license to practice 35599
prosthetics, is actively practicing or teaching prosthetics on 35600
October 27, 2000, and complies with division (B)(2)(a) or (b) of 35601
this section: 35602

(a) The applicant meets all of the following requirements: 35603

(i) Holds a bachelor's degree or higher from a nationally 35604
accredited college or university in the United States; 35605

(ii) Has completed a certificate program in prosthetics 35606
approved by the board under section 4779.26 of the Revised Code; 35607

(iii) Is certified in prosthetics by the American board for 35608
certification in orthotics and prosthetics, the board of 35609
orthotist/prosthetist certification, or an equivalent successor 35610
organization recognized by the board; 35611

(iv) Has completed a residency program approved by the board 35612
under section 4779.27 of the Revised Code. 35613

(b) The applicant meets both of the following requirements: 35614

(i) Has a minimum of three years of documented, full-time 35615

experience practicing or teaching prosthetics;	35616
(ii) Has passed the certification examination in prosthetics	35617
of the American board of certification in orthotics and	35618
prosthetics, the board of orthotist/prosthetist certification, or	35619
an equivalent organization recognized by the board.	35620
(3) In the case of an applicant for a license to practice	35621
orthotics and prosthetics, the applicant complies with division	35622
(B)(3)(a) or (b) of this section:	35623
(a) The applicant meets all of the following requirements:	35624
(i) Holds a bachelor's degree or higher from an accredited	35625
college or university in the United States;	35626
(ii) Has completed a certificate program in orthotics and	35627
prosthetics approved by the board under section 4779.26 of the	35628
Revised Code;	35629
(iii) Has completed a residency program in orthotics and	35630
prosthetics approved under section 4779.27 of the Revised Code;	35631
(iv) Is certified in orthotics and prosthetics by the	35632
American board for certification in orthotics and prosthetics, the	35633
board of orthotist/prosthetist certification, or an equivalent	35634
successor organization recognized by the board;	35635
(b) The applicant meets both of the following requirements:	35636
(i) Has a minimum of six years of documented, full-time	35637
experience practicing or teaching orthotics and prosthetics;	35638
(ii) Has passed the orthotics and prosthetics certification	35639
examination requirements of the American board for certification	35640
in orthotics and prosthetics, the board of orthotist/prosthetist	35641
certification, or an equivalent organization recognized by the	35642
board.	35643
(4) In the case of an applicant for a license to practice	35644
pedorthics, is actively practicing or teaching pedorthics on	35645

October 27, 2000, and is certified in pedorthics by the board for 35646
certification in pedorthics. 35647

Sec. 4779.17. The state medical board ~~of orthotics,~~ 35648
~~prosthetics, and pedorthics~~ shall issue a license under section 35649
4779.09 of the Revised Code to practice orthotics, prosthetics, 35650
orthotics and prosthetics, or pedorthics without examination to an 35651
applicant who meets all of the following requirements: 35652

(A) Applies to the board in accordance with section 4779.09 35653
of the Revised Code; 35654

(B) Holds a license to practice orthotics, prosthetics, 35655
orthotics and prosthetics, or pedorthics issued by the appropriate 35656
authority of another state; 35657

(C) One of the following applies: 35658

(1) In the case of an applicant for a license to practice 35659
orthotics, the applicant meets the requirements in divisions 35660
(A)(2) and (3) of section 4779.10 of the Revised Code. 35661

(2) In the case of an applicant for a license to practice 35662
prosthetics, the applicant meets the requirements in divisions 35663
(A)(2) and (3) of section 4779.11 of the Revised Code. 35664

(3) In the case of an applicant for a license to practice 35665
orthotics and prosthetics, the applicant meets the requirements in 35666
divisions (A)(2) and (3) of section 4779.12 of the Revised Code. 35667

(4) In the case of an applicant for a license to practice 35668
pedorthics, the applicant meets the requirements in divisions (B) 35669
and (C) of section 4779.13 of the Revised Code. 35670

(D) The fees prescribed by this section shall be paid to the 35671
treasurer of state, who shall from the effective date of this 35672
section until December 31, 2004, deposit the fees in the 35673
occupational licensing and regulatory fund established in section 35674
4743.05 of the Revised Code. 35675

Sec. 4779.18. (A) The state medical board of ~~orthotics,~~ 35676
~~prosthetics, and pedorthics~~ shall issue a temporary license to an 35677
individual who meets all of the following requirements: 35678

(1) Applies to the board in accordance with rules adopted 35679
under section 4779.08 of the Revised Code and pays the application 35680
fee specified in the rules; 35681

(2) Is eighteen years of age or older; 35682

(3) Is of good moral character; 35683

(4) One of the following applies: 35684

(a) In the case of an applicant for a license to practice 35685
orthotics, the applicant meets the requirements in divisions 35686
(A)(2) and (3) of section 4779.10 of the Revised Code. 35687

(b) In the case of an applicant for a license to practice 35688
prosthetics, the applicant meets the requirements in divisions 35689
(A)(2) and (3) of section 4779.11 of the Revised Code. 35690

(c) In the case of an applicant for a license to practice 35691
orthotics and prosthetics, the applicant meets the requirements in 35692
divisions (A)(2) and (3) of section 4779.12 of the Revised Code. 35693

(d) In the case of an applicant for a license to practice 35694
pedorthics, the applicant meets the requirements in divisions (B) 35695
and (C) of section 4779.13 of the Revised Code. 35696

(B) A temporary license issued under this section is valid 35697
for one year and may be renewed once in accordance with rules 35698
adopted by the board under section 4779.08 of the Revised Code. 35699

An individual who holds a temporary license may practice 35700
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 35701
only under the supervision of an individual who holds a license 35702
issued under section 4779.09 of the Revised Code in the same area 35703
of practice. 35704

(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall from the effective date of this section until December 31, 2004, deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

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 day the license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The state medical 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) 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 35735
continuing education courses required by the board for 35736
certification in pedorthics or an equivalent organization 35737
recognized by the board. 35738

Sec. 4779.21. The state medical board ~~of orthotics,~~ 35739
~~prosthetics, and pedorthics~~ shall maintain board records, 35740
including records of the board's proceedings, a registry of all 35741
applicants for licensure that indicates whether the applicant was 35742
granted a license, and any other records necessary to carry out 35743
the provisions of this chapter. 35744

Sec. 4779.22. (A) The state medical board ~~of orthotics,~~ 35745
~~prosthetics, and pedorthics~~ shall publish and make available to 35746
the public written information regarding both of the following: 35747

(1) The board's regulatory functions pursuant to this chapter 35748
and the provisions of this chapter; 35749

(2) The procedures by which complaints are filed with the 35750
board, which shall include a description of the complaint 35751
procedures and the name, mailing address, and telephone number of 35752
the board. 35753

(B) The board shall make the information described in 35754
division (A) of this section available to all of the following: 35755

(1) Consumers of orthotic, prosthetic, and pedorthic goods 35756
and services; 35757

(2) Individuals licensed by the board; 35758

(3) Nationally recognized orthotic, prosthetic, and pedorthic 35759
certifying and accrediting organizations; 35760

(4) Nationally recognized orthotic, prosthetic, and pedorthic 35761
educational organizations; 35762

(5) Any other entity that may reasonably require the 35763

information.	35764
(C) The board may make available any of the information described in division (A) of this section by adopting a rule under section 4779.08 of the Revised Code requiring the information to be displayed in any of the following ways:	35765 35766 35767 35768
(1) On each registration form or application prepared by the board;	35769 35770
(2) On a sign prominently displayed in the place of business of each individual licensed under this chapter;	35771 35772
(3) In each bill or written contract for services provided by an individual licensed under this chapter.	35773 35774
Sec. 4779.23. (A) To be eligible for approval by the state <u>medical</u> board of orthotics, prosthetics, and pedorthics , a continuing education course must satisfy all of the following requirements:	35775 35776 35777 35778
(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;	35779 35780 35781
(2) Deal with matters directly related to the practice of orthotics, prosthetics, or pedorthics, including professional responsibility, ethical obligations, or similar subjects that the board considers necessary to maintain and improve the quality of orthotic and prosthetic services in this state;	35782 35783 35784 35785 35786
(3) Involve in-person instruction, except that a course may use self-study materials if the materials are prepared and presented by a group with appropriate practical experience;	35787 35788 35789
(4) Be presented in a setting that is physically suited to the course;	35790 35791
(5) Include thorough, high-quality written material;	35792

(6) Meet any other requirements the board considers appropriate. 35793
35794

(B) The board shall, in accordance with the standards in 35795
division (A) of this section, review and approve continuing 35796
education courses. If the board does not approve a course, it 35797
shall provide a written explanation of the reason for the denial 35798
to the person that requested approval. The board may approve 35799
continuing education courses approved by boards of other states 35800
that regulate orthotics, prosthetics, and pedorthics if the other 35801
board's standards for approving continuing education courses are 35802
equivalent to the standards established pursuant to division (A) 35803
of this section. 35804

Sec. 4779.24. The state medical board ~~of orthotics,~~ 35805
~~prosthetics, and pedorthics~~ shall grant continuing education units 35806
to individuals licensed under this chapter on the following basis: 35807

(A) For completing a continuing education course approved by 35808
the board under section 4779.23 of the Revised Code, one unit for 35809
each hour of instruction received; 35810

(B) For teaching as a faculty member a course in orthotics, 35811
prosthetics, or pedorthics that is part of the curriculum of an 35812
institution of higher education, one-half unit for each semester 35813
hour of the course, or an equivalent unit for each quarter or 35814
trimester hour of the course; 35815

(C) For teaching other than as a faculty member a course that 35816
is part of an institution of higher education's orthotics, 35817
prosthetics, or pedorthics curriculum, one unit for each hour 35818
teaching the course; 35819

(D) For teaching a continuing education course that is 35820
approved by the board under section 4779.23 of the Revised Code 35821
that is not part of an institution of higher education's 35822

orthotics, prosthetics, or pedorthics curriculum, three units for 35823
each hour teaching the course for the first time and one-half unit 35824
for each hour teaching the course each time thereafter. 35825

Sec. 4779.25. The state medical board ~~of orthotics,~~ 35826
~~prosthetics, and pedorthics~~ shall recognize an institution of 35827
higher education's bachelor's degree program in orthotics and 35828
prosthetics if the program satisfies all of the following 35829
requirements: 35830

(A) Provides not less than two semesters or three quarters of 35831
instruction in orthotics and two semesters or three quarters of 35832
instruction in prosthetics; 35833

(B) Requires as a condition of entry a high school diploma or 35834
certificate of high school equivalence issued by the state board 35835
of education; 35836

(C) Includes a written description of the program that 35837
includes learning goals, course objectives, and competencies for 35838
graduation; 35839

(D) Requires frequent, documented evaluation of students to 35840
assess their acquisition of knowledge, problem identification and 35841
solving skills, and psychomotor, behavioral, and clinical 35842
competencies; 35843

(E) Requires as a condition of entry successful completion of 35844
courses in biology, chemistry, physics, psychology, computer 35845
science, algebra or higher math, human anatomy with a laboratory 35846
section, and physiology with a laboratory section; 35847

(F) Requires formal instruction in biomechanics, gait 35848
analysis and pathometrics, kinesiology, pathology, materials 35849
science, research methods, and diagnostic imaging techniques; 35850

(G) Requires students as a condition of graduation to 35851
demonstrate orthotics skills, including measurement, 35852

impression-taking, model rectification, and fitting and alignment 35853
of orthoses for the lower limbs, upper limbs, and spines; 35854

(H) Requires students as a condition of graduation to 35855
complete training in orthotic systems, including foot orthosis, 35856
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, 35857
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, 35858
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral 35859
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, 35860
standing frames, and seating; 35861

(I) Requires students as a condition of graduation to 35862
demonstrate prosthetic skills that include measurement, impression 35863
taking, model rectification, diagnostic fitting, definitive 35864
fitting, postoperative management, external power, and static and 35865
dynamic alignment of sockets related to various amputation levels, 35866
including partial foot, Syme's below knee, above knee, below 35867
elbow, above elbow, and the various joint disarticulations; 35868

(J) Requires as a condition of graduation students to 35869
complete not less than five hundred hours of supervised clinical 35870
experience that focus on patient-related activities, including 35871
recommendation, measurement, impression-taking, model 35872
rectification, fabrication, fitting, and evaluating patients in 35873
the use and function of orthotics and prosthetics; 35874

(K) Provides for the evaluation of the program's compliance 35875
with the requirements of this section through regular, on-site 35876
visits conducted by a team of qualified individuals from a 35877
nationally recognized orthotic, prosthetic, or orthotic and 35878
prosthetic certifying body; 35879

(L) Meets any other standards adopted by the board under 35880
section 4779.08 of the Revised Code. 35881

Sec. 4779.26. The state medical board ~~of orthotics,~~ 35882

~~prosthetics, and pedorthics~~ shall recognize a certificate program 35883
in orthotics, prosthetics, or orthotics and prosthetics if the 35884
program satisfies all of the following requirements: 35885

(A) Meets the requirements in divisions (B), (C), (D), (E), 35886
(F), (K), and (L) of section 4779.25 of the Revised Code; 35887

(B) In the case of a certificate program in orthotics, the 35888
program does all of the following: 35889

(1) Provides not less than two semesters or three quarters of 35890
instruction in orthotics; 35891

(2) Requires students to complete not less than two hundred 35892
fifty hours of supervised clinical experience that focuses on 35893
patient-related activities, recommendation, measurement, 35894
impression-taking, model rectification, fabrication, fitting, and 35895
evaluating patients in the use and function of orthotics; 35896

(3) Meets the requirements in divisions (G) and (H) of 35897
section 4779.25 of the Revised Code. 35898

(C) In the case of a certificate program in prosthetics, the 35899
program does all of the following: 35900

(1) Provides not less than two semesters or three quarters of 35901
instruction in prosthetics; 35902

(2) Requires students to complete not less than two hundred 35903
fifty hours of supervised clinical experience that focuses on 35904
patient-related activities, recommendation, measurement, 35905
impression-taking, model rectification, fabrication, fitting, and 35906
evaluating patients in the use and function of prosthetics; 35907

(3) Meets the requirements in divisions (F) and (I) of 35908
section 4779.25 of the Revised Code. 35909

(D) In the case of a certificate program in orthotics and 35910
prosthetics, the program does both of the following: 35911

(1) Provides not less than two semesters or three quarters of 35912

instruction in orthotics and two semesters or three quarters of	35913
instruction in prosthetics;	35914
(2) Meets the requirements in divisions (H) and (I) of	35915
section 4779.25 of the Revised Code.	35916
Sec. 4779.27. The state <u>medical</u> board of orthotics,	35917
prosthetics, and pedorthics shall approve a residency program in	35918
orthotics, prosthetics, or orthotics and prosthetics if the	35919
program does all of the following:	35920
(A) Requires a bachelor's degree as a condition of entry;	35921
(B) Does one of the following:	35922
(1) In the case of a residency program in orthotics, provides	35923
two semesters or three quarters of instruction in orthotics;	35924
(2) In the case of a residency program in prosthetics,	35925
provides two semesters or three quarters of instruction in	35926
prosthetics;	35927
(3) In the case of a residency program in orthotics and	35928
prosthetics, provides two semesters or three quarters of	35929
instruction in orthotics and two semesters or three quarters of	35930
instruction in prosthetics.	35931
(C) Meets the requirements in divisions (K) and (L) of	35932
section 4779.25 of the Revised Code;	35933
(D) Provides residents with a sufficient variety and volume	35934
of clinical experiences to give them adequate educational	35935
experience in the acute, rehabilitative, and chronic aspects of	35936
orthotics and prosthetics, including recommendation, measurement,	35937
impression-taking, model rectification, fabrication, fitting, and	35938
evaluating patients in the use and function of orthotics and	35939
prosthetics;	35940
(E) Provides residents with sufficient training in clinical	35941

assessment, patient management, technical implementation, practice 35942
management, and professional responsibility. 35943

Sec. 4779.30. If the state medical board of ~~orthotics,~~ 35944
~~prosthetics, and pedorthics~~ has reason to believe that a person 35945
who holds a license issued under this chapter is mentally ill or 35946
mentally incompetent, it may file in the probate court of the 35947
county in which the person has a legal residence an affidavit in 35948
the form prescribed in section 5122.11 of the Revised Code and 35949
signed by the secretary of the board, whereupon the same 35950
proceeding shall be had as provided in Chapter 5122. of the 35951
Revised Code. The attorney general may represent the board in any 35952
proceeding commenced under this section. 35953

If an individual who has been granted a license under this 35954
chapter is adjudicated by a probate court to be mentally ill or 35955
mentally incompetent, the individual's license shall be 35956
automatically suspended until the individual has filed with the 35957
board a certified copy of an adjudication by a probate court of 35958
the individual's subsequent restoration to competency or has 35959
submitted to the board proof, satisfactory to the board, of having 35960
been restored to competency in the manner and form provided in 35961
section 5122.38 of the Revised Code. The judge of the court shall 35962
immediately notify the board of an adjudication of incompetence 35963
and note any suspension of a license in the margin of the court's 35964
record of the certificate. In the absence of fraud or bad faith, 35965
neither the board nor any agent, representative, or employee of 35966
the board shall be held liable in damages by any person by reason 35967
of the filing of the affidavit referred to in this section. 35968

Sec. 4779.32. If any person makes an allegation against an 35969
individual who holds a license issued under this chapter, the 35970
allegation shall be reduced to writing and verified by a person 35971
who is familiar with the facts underlying the allegation. The 35972

person making the allegation shall file three copies of the 35973
allegation with the state medical board ~~of orthotics, prosthetics,~~ 35974
~~and pedorthics~~. If a person alleges that a license holder is 35975
engaging or has engaged in conduct described in division (A) of 35976
section 4779.28 of the Revised Code, the board may proceed with an 35977
adjudication hearing under Chapter 119. of the Revised Code. The 35978
board shall retain the information filed under this section in 35979
accordance with rules adopted by the board under section 4779.08 35980
of the Revised Code. 35981

Sec. 4779.33. The secretary of the state medical board ~~of~~ 35982
~~orthotics, prosthetics, and pedorthics~~ shall enforce the laws 35983
relating to the practice of orthotics, prosthetics, and 35984
pedorthics. If the secretary has knowledge of a violation, the 35985
secretary shall investigate the violation and notify the 35986
prosecuting attorney of the proper county. 35987

Sec. 4903.24. If the public utilities commission finds after 35988
investigating that any rate, joint rate, fare, charge, toll, 35989
rental, schedule, or classification of service is unjust, 35990
unreasonable, insufficient, unjustly discriminatory, unjustly 35991
preferential, or in violation of law, or that any service is 35992
inadequate or cannot be obtained, the public utility found to be 35993
at fault shall pay the expenses incurred by the commission upon 35994
such investigation. 35995

All fees, expenses, and costs of, or in connection with, any 35996
hearing or investigation may be imposed by the commission upon any 35997
party to the record or may be divided among any parties to the 35998
record in such proportion as the commission determines. 35999

All fees, expenses, and costs authorized and collected under 36000
this section shall be deposited to the credit of the special 36001
assessment fund, which is hereby created in the state treasury. 36002

Money in the fund shall be used by the commission for the purpose 36003
of covering the costs of any investigations or hearings it orders 36004
regarding any public utility. 36005

Sec. 4905.91. For the purpose of protecting the public safety 36006
with respect to intrastate pipe-line transportation by any 36007
operator: 36008

(A) The public utilities commission shall: 36009

(1) Adopt, and may amend or rescind, rules to carry out 36010
sections 4905.90 to 4905.96 of the Revised Code, including rules 36011
concerning pipe-line safety, drug testing, and enforcement 36012
procedures. The commission shall adopt these rules only after 36013
notice and opportunity for public comment. The rules adopted under 36014
this division and any orders issued under sections 4905.90 to 36015
4905.96 of the Revised Code constitute the pipe-line safety code. 36016
The commission shall administer and enforce that code. 36017

(2) Make certifications and reports to the United States 36018
department of transportation as required under the Natural Gas 36019
Pipeline Safety Act. 36020

(B) The commission may: 36021

(1) Investigate any service, act, practice, policy, or 36022
omission by any operator to determine its compliance with sections 36023
4905.90 to 4905.96 of the Revised Code and the pipe-line safety 36024
code; 36025

(2) Investigate any intrastate pipe-line transportation 36026
facility to determine if it is hazardous to life or property, as 36027
provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and 36028
(3); 36029

(3) Investigate the existence or report of any safety-related 36030
condition that involves any intrastate pipe-line transportation 36031
facility; 36032

(4) Enter into and perform contracts or agreements with the 36033
United States department of transportation to inspect interstate 36034
transmission facilities pursuant to the Natural Gas Pipeline 36035
Safety Act; 36036

(5) Accept grants-in-aid, ~~funds~~ cash, and reimbursements 36037
provided for or made available to this state by the federal 36038
government to carry out the Natural Gas Pipeline Safety Act or to 36039
enforce sections 4905.90 to 4905.96 of the Revised Code and the 36040
pipe-line safety code. All such grants-in-aid, cash, and 36041
reimbursements shall be deposited to the credit of the gas 36042
pipe-line safety fund, which is hereby created in the state 36043
treasury, to be used by the commission for the purpose of carrying 36044
out this section. 36045

(C) The commission's regulation of gathering lines shall 36046
conform to the regulation of gathering lines in 49 C.F.R. ~~parts~~ 36047
192 and 199, as amended, and the commission's annual certification 36048
agreements with the United States department of transportation, 36049
except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, 36050
and rule 4901:1-16-06 of the Ohio Administrative Code shall also 36051
apply to gathering lines. The procedural rules under chapter 36052
4901:1-16 of the Ohio Administrative Code shall also apply to 36053
operators of gathering lines. 36054

Sec. 4919.79. (A) The public utilities commission may adopt 36055
safety rules applicable to the highway transportation and offering 36056
for transportation of hazardous materials in interstate commerce, 36057
which highway transportation takes place into or through this 36058
state. 36059

(B) The commission may adopt safety rules applicable to the 36060
highway transportation of persons or property in interstate 36061
commerce, which transportation takes place into or through this 36062
state. 36063

(C) Rules adopted under divisions (A) and (B) of this section shall be consistent with, and equivalent in scope, coverage, and content to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 2832, 49 U.S.C.A. 2501, and regulations adopted under it, respectively. No person shall violate a rule adopted under division (A) or (B) of this section or any order of the commission issued to secure compliance with any such rule.

(D) The commission shall cooperate with, and permit the use of, the services, records, and facilities of the commission as fully as practicable by appropriate officers of the interstate commerce commission, the United States department of transportation, and other federal agencies or commissions and appropriate commissions of other states in the enforcement and administration of state and federal laws relating to highway transportation by motor vehicles. The commission may enter into cooperative agreements with the interstate commerce commission, the United States department of transportation, and any other federal agency or commission to enforce the economic and safety laws and rules of this state and of the United States concerning highway transportation by motor vehicles. All grants-in-aid, cash, and reimbursements received by the commission pursuant to those cooperative agreements shall be deposited to the credit of the motor carrier safety fund, which is hereby created in the state treasury, to be used by the commission for the purpose of carrying out this section.

(E) To achieve the purposes of this section, the commission may, through its inspectors or other authorized employees, inspect any vehicles of carriers of persons or property in interstate commerce subject to the safety rules prescribed by this section and may enter upon the premises and vehicles of such carriers to

examine any of the carriers' records or documents that relate to 36096
the safety of operation of such carriers. In order to assist the 36097
commission in the performance of its duties under this section, 36098
authorized employees of the commercial motor vehicle safety 36099
enforcement unit, division of state highway patrol, of the 36100
department of public safety may enter in or upon, for purposes of 36101
inspection, any vehicle of any such carrier. 36102

In order to inspect motor vehicles owned or operated by 36103
private motor carriers of persons, authorized employees of the 36104
commercial motor vehicle safety enforcement unit, division of 36105
state highway patrol, of the department of public safety may enter 36106
in or upon the premises of any private carrier of persons in 36107
interstate commerce, subject to the safety rules prescribed by 36108
this section. 36109

Sec. 4973.17. (A) Upon the application of any bank, building 36110
and loan association, or association of banks or building and loan 36111
associations in this state, the governor may appoint and 36112
commission any persons that the bank, building and loan 36113
association, or association of banks or building and loan 36114
associations designates, or as many of those persons as the 36115
governor considers proper, to act as police officers for and on 36116
the premises of that bank, building and loan association, or 36117
association of banks or building and loan associations, or 36118
elsewhere, when directly in the discharge of their duties. Police 36119
officers so appointed shall be citizens of this state and of good 36120
character. They shall hold office for three years, unless, for 36121
good cause shown, their commission is revoked by the governor, or 36122
by the bank, building and loan association, or association of 36123
banks or building and loan associations, as provided by law. 36124

(B) Upon the application of a company owning or using a 36125
railroad in this state and subject to section 4973.171 of the 36126

Revised Code, the governor may appoint and commission any persons 36127
that the railroad company designates, or as many of those persons 36128
as the governor considers proper, to act as police officers for 36129
and on the premises of the railroad company, its affiliates or 36130
subsidiaries, or elsewhere, when directly in the discharge of 36131
their duties. Police officers so appointed, within the time set by 36132
the Ohio peace officer training commission, shall successfully 36133
complete a commission approved training program and be certified 36134
by the commission. They shall hold office for three years, unless, 36135
for good cause shown, their commission is revoked by the governor, 36136
or railroad company, as provided by law. 36137

Any person holding a similar commission in another state may 36138
be commissioned and may hold office in this state without 36139
completing the approved training program required by this division 36140
provided that ~~that~~ the person has completed a substantially 36141
equivalent training program in the other state. The Ohio peace 36142
officer training commission shall determine whether a training 36143
program in another state meets the requirements of this division. 36144

(C) Upon the application of any company under contract with 36145
the United States atomic energy commission for the construction or 36146
operation of a plant at a site owned by ~~such~~ the commission, the 36147
governor may appoint and commission ~~such~~ persons ~~as~~ the company 36148
designates, not to exceed one hundred fifty, to act as police 36149
officers for the company at the plant or site owned by ~~such~~ the 36150
commission. Police officers so appointed shall be citizens of this 36151
state and of good character. They shall hold office for three 36152
years, unless, for good cause shown, their commission is revoked 36153
by the governor or by the company, as provided by law. 36154

(D)(1) Upon the application of any hospital that is operated 36155
by a public hospital agency or a nonprofit hospital agency and 36156
that employs and maintains its own proprietary police department 36157
or security department and subject to section 4973.171 of the 36158

Revised Code, the governor may appoint and commission any persons 36159
that the hospital designates, or as many of those persons as the 36160
governor considers proper, to act as police officers for the 36161
hospital. No person who is appointed as a police officer under 36162
this division shall engage in any duties or activities as a police 36163
officer for the hospital or any affiliate or subsidiary of the 36164
hospital unless all of the following apply: 36165

(a) The chief of police of the municipal corporation in which 36166
the hospital is located⁷ or₁ if the hospital is located in the 36167
unincorporated area of a county, the sheriff of that county⁷ has 36168
granted approval to the hospital to permit persons appointed as 36169
police officers under this division to engage in those duties and 36170
activities. The approval required by this division is general in 36171
nature and is intended to cover in the aggregate all persons 36172
appointed as police officers for the hospital under this division; 36173
a separate approval is not required for each appointee on an 36174
individual basis. 36175

(b) Subsequent to the grant of approval described in division 36176
(D)(1)(a) of this section, the hospital has entered into a written 36177
agreement with the chief of police of the municipal corporation in 36178
which the hospital is located⁷ or₁ if the hospital is located in 36179
the unincorporated area of a county, with the sheriff of that 36180
county, that sets forth the standards and criteria to govern the 36181
interaction and cooperation between persons appointed as police 36182
officers for the hospital under this division and law enforcement 36183
officers serving the agency represented by the chief of police or 36184
sheriff who signed the agreement in areas of their concurrent 36185
jurisdiction. The written agreement shall be signed by the 36186
appointing authority of the hospital and by the chief of police or 36187
sheriff. The standards and criteria may include, but are not 36188
limited to, provisions governing the reporting of offenses 36189
discovered by hospital police officers to the agency represented 36190

by the chief of police or sheriff, provisions governing 36191
investigatory responsibilities relative to offenses committed on 36192
hospital property, and provisions governing the processing and 36193
confinement of persons arrested for offenses committed on hospital 36194
property. The agreement required by this division is intended to 36195
apply in the aggregate to all persons appointed as police officers 36196
for the hospital under this division; a separate agreement is not 36197
required for each appointee on an individual basis. 36198

(c) The person has successfully completed a training program 36199
approved by the Ohio peace officer training commission and has 36200
been certified by the commission. A person appointed as a police 36201
officer under this division may attend a training program approved 36202
by the commission and be certified by the commission regardless of 36203
whether the appropriate chief of police or sheriff has granted the 36204
approval described in division (D)(1)(a) of this section and 36205
regardless of whether the hospital has entered into the written 36206
agreement described in division (D)(1)(b) of this section with the 36207
appropriate chief of police or sheriff. 36208

(2)(a) A person who is appointed as a police officer under 36209
division (D)(1) of this section is entitled, upon the grant of 36210
approval described in division (D)(1)(a) of this section and upon 36211
~~that~~ the person's and the hospital's compliance with the 36212
requirements of divisions (D)(1)(b) and (c) of this section, to 36213
act as a police officer for the hospital on the premises of the 36214
hospital and of its affiliates and subsidiaries that are within 36215
the territory of the municipal corporation served by the chief of 36216
police or the unincorporated area of the county served by the 36217
sheriff who signed the written agreement described in division 36218
(D)(1)(b) of this section, whichever is applicable, and anywhere 36219
else within the territory of that municipal corporation or within 36220
the unincorporated area of that county. The authority to act as a 36221
police officer as described in this division is granted only if 36222

the person, when engaging in that activity, is directly in the 36223
discharge of ~~that~~ the person's duties as a police officer for the 36224
hospital. The authority to act as a police officer as described in 36225
this division shall be exercised in accordance with the standards 36226
and criteria set forth in the written agreement described in 36227
division (D)(1)(b) of this section. 36228

(b) Additionally, a person appointed as a police officer 36229
under division (D)(1) of this section is entitled, upon the grant 36230
of approval described in division (D)(1)(a) of this section and 36231
upon ~~that~~ the person's and the hospital's compliance with the 36232
requirements of divisions (D)(1)(b) and (c) of this section, to 36233
act as a police officer elsewhere, within the territory of a 36234
municipal corporation or within the unincorporated area of a 36235
county, if the chief of police of that municipal corporation or 36236
the sheriff of that county, respectively, has granted approval for 36237
that activity to the hospital, police department, or security 36238
department served by the person as a police officer and if the 36239
person, when engaging in that activity, is directly in the 36240
discharge of ~~that~~ the person's duties as a police officer for the 36241
hospital. The approval described in this division may be general 36242
in nature or may be limited in scope, duration, or applicability, 36243
as determined by the chief of police or sheriff granting the 36244
approval. 36245

(3) Police officers appointed under division (D)(1) of this 36246
section shall hold office for three years, unless, for good cause 36247
shown, their commission is revoked by the governor or by the 36248
hospital, as provided by law. As used in divisions (D)(1) to (3) 36249
of this section, "public hospital agency" and "nonprofit hospital 36250
agency" have the same ~~meaning~~ meanings as in section 140.01 of the 36251
Revised Code. 36252

(E) A fee of ~~five~~ fifteen dollars for each commission applied 36253
for under this section shall be paid at the time the application 36254

is made, and this amount shall be returned if for any reason a 36255
commission is not issued. 36256

Sec. 5101.11. This section does not apply to contracts 36257
entered into under section ~~5111.022~~, 5111.90~~7~~ or 5111.91 of the 36258
Revised Code. 36259

(A) As used in this section: 36260

(1) "Entity" includes an agency, board, commission, or 36261
department of the state or a political subdivision of the state; a 36262
private, nonprofit entity; a school district; a private school; or 36263
a public or private institution of higher education. 36264

(2) "Federal financial participation" means the federal 36265
government's share of expenditures made by an entity in 36266
implementing a program administered by the department of job and 36267
family services. 36268

(B) At the request of any public entity having authority to 36269
implement a program administered by the department of job and 36270
family services or any private entity under contract with a public 36271
entity to implement a program administered by the department, the 36272
department may seek to obtain federal financial participation for 36273
costs incurred by the entity. Federal financial participation may 36274
be sought from programs operated pursuant to Title IV-A, Title 36275
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 36276
(1935), 42 U.S.C. 301, as amended; the "Food Stamp Act of 1964," 36277
78 Stat. 703, 7 U.S.C. 2011, as amended; and any other statute or 36278
regulation under which federal financial participation may be 36279
available, except that federal financial participation may be 36280
sought only for expenditures made with funds for which federal 36281
financial participation is available under federal law. 36282

(C) All funds collected by the department of job and family 36283
services pursuant to division (B) of this section shall be 36284

distributed to the entities that incurred the costs, except for 36285
any amounts retained by the department pursuant to division (D)(3) 36286
of this section. 36287

(D) In distributing federal financial participation pursuant 36288
to this section, the department may either enter into an agreement 36289
with the entity that is to receive the funds or distribute the 36290
funds in accordance with rules adopted under division (F) of this 36291
section. If the department decides to enter into an agreement to 36292
distribute the funds, the agreement may include terms that do any 36293
of the following: 36294

(1) Provide for the whole or partial reimbursement of any 36295
cost incurred by the entity in implementing the program; 36296

(2) In the event that federal financial participation is 36297
disallowed or otherwise unavailable for any expenditure, require 36298
the department of job and family services or the entity, whichever 36299
party caused the disallowance or unavailability of federal 36300
financial participation, to assume responsibility for the 36301
expenditures; 36302

(3) Permit the department to retain not more than five per 36303
cent of the amount of the federal financial participation to be 36304
distributed to the entity; 36305

(4) Require the public entity to certify the availability of 36306
sufficient unencumbered funds to match the federal financial 36307
participation it receives under this section; 36308

(5) Establish the length of the agreement, which may be for a 36309
fixed or a continuing period of time; 36310

(6) Establish any other requirements determined by the 36311
department to be necessary for the efficient administration of the 36312
agreement. 36313

(E) An entity that receives federal financial participation 36314

pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services for the use of the funds to improve and expand the program.

(F) The director of job and family services shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The director may adopt or amend any statewide plan required by the federal government for a program administered by the department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.

Sec. 5101.12. The department of job and family services shall maximize its receipt of federal revenue. In fulfilling this duty, the department may enter into contracts to maximize federal revenue without the expenditure of state money. In selecting entities with which to contract, the department shall engage in a request for proposals process.

Each year in January and July, the department shall submit a report to the office of budget and management outlining the department's success in maximizing federal revenue. The office of budget and management shall establish procedures and requirements for preparing and submitting the reports and shall compile data concerning the amount of federal revenue received by the department. The department shall submit a copy of each of its reports to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the legislative service commission.

Sec. 5101.14. (A) As used in this section and section 36346
5101.144 of the Revised Code, "children services" means services 36347
provided to children pursuant to Chapter 5153. of the Revised 36348
Code. 36349

(B) Within available funds, the department of job and family 36350
services shall ~~make payments~~ distribute funds to the counties 36351
within thirty days after the beginning of each calendar quarter 36352
for a part of ~~their~~ the counties' costs for children services ~~to~~ 36353
~~children performed pursuant to Chapter 5153. of the Revised Code.~~ 36354

Funds provided to the county under this section shall be 36355
deposited into the children services fund created pursuant to 36356
section 5101.144 of the Revised Code. 36357

~~(B)(1) The funds distributed under this section shall be used~~ 36358
~~for the following:~~ 36359

~~(a) Home based services to children and families;~~ 36360

~~(b) Protective services to children;~~ 36361

~~(c) To find, develop, and approve adoptive homes;~~ 36362

~~(d) Short term, out of home care and treatment for children;~~ 36363

~~(e) Costs for the care of a child who resides with a~~ 36364
~~caretaker relative, other than the child's parent, and is in the~~ 36365
~~legal custody of a public children services agency pursuant to a~~ 36366
~~voluntary temporary custody agreement entered into under division~~ 36367
~~(A) of section 5103.15 of the Revised Code or in the legal custody~~ 36368
~~of a public children services agency or the caretaker relative~~ 36369
~~pursuant to an allegation or adjudication of abuse, neglect, or~~ 36370
~~dependency made under Chapter 2151. of the Revised Code;~~ 36371

~~(f) Other services a public children services agency~~ 36372
~~considers necessary to protect children from abuse, neglect, or~~ 36373
~~dependency.~~ 36374

~~(2) No funds distributed under this section shall be used for 36375
the costs of maintaining a child in a children's home owned and 36376
operated by the county. 36377~~

(C) In each fiscal year, the amount of funds available for 36378
distribution under this section shall be allocated to counties as 36379
follows: 36380

(1) If the amount is less than the amount initially 36381
appropriated for the immediately preceding fiscal year, each 36382
county shall receive an amount equal to the percentage of the 36383
funding it received in the immediately preceding fiscal year, 36384
exclusive of any releases from or additions to the allocation or 36385
any sanctions imposed under this section; 36386

(2) If the amount is equal to the amount initially 36387
appropriated for the immediately preceding fiscal year, each 36388
county shall receive an amount equal to the amount it received in 36389
the preceding fiscal year, exclusive of any releases from or 36390
additions to the allocation or any sanctions imposed under this 36391
section; 36392

(3) If the amount is greater than the amount initially 36393
appropriated for the immediately preceding fiscal year, each 36394
county shall receive the amount determined under division (C)(2) 36395
of this section as a base allocation, plus a percentage of the 36396
amount that exceeds the amount initially appropriated for the 36397
immediately preceding fiscal year. The amount exceeding the amount 36398
initially appropriated in the immediately preceding fiscal year 36399
shall be allocated to the counties as follows: 36400

(a) Twelve per cent divided equally among all counties; 36401

(b) Forty-eight per cent in the ratio that the number of 36402
residents of the county under the age of eighteen bears to the 36403
total number of such persons residing in this state; 36404

(c) Forty per cent in the ratio that the number of residents 36405
of the county with incomes under the federal poverty guideline 36406
bears to the total number of such persons in this state. 36407

As used in division (C)(3)(c) of this section, "federal 36408
poverty guideline" means the poverty guideline as defined by the 36409
United States office of management and budget and revised by the 36410
United States secretary of health and human services in accordance 36411
with section 673 of the "Community Services Block Grant Act," 95 36412
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 36413

~~(D) The director of job and family services may adopt rules 36414
as necessary for the allocation of funds under this section. The 36415
rules shall be adopted in accordance with section 111.15 of the 36416
Revised Code. 36417~~

~~(E)(1) As used in this division, "services to children" means 36418
children's protective services, home based services to children 36419
and families, foster home services, residential treatment 36420
services, adoptive services, and independent living services. 36421~~

~~(2) Except as otherwise provided in this section, the 36422
allocation of funds for a fiscal year to a county under this 36423
section shall be reduced by the department if in the preceding 36424
calendar year the total amount expended for services to children 36425
from local funds was less than the total expended from that source 36426
in the second preceding calendar year. The reduction shall be 36427
equal to the difference between the total expended in the 36428
preceding calendar year and the total expended in the second 36429
preceding calendar year. 36430~~

~~The determination of whether the amount expended for services 36431
to children was less in the preceding calendar year than in the 36432
second preceding calendar year shall not include a difference due 36433
to any of the following factors to the extent that the difference 36434
does not exceed the amount attributable to that factor: 36435~~

(a) An across the board reduction in the county budget as a whole;	36436
(b) A reduced or failed levy specifically earmarked for children services;	36437
(c) The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.	36438
(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.	36439
(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.	36440
(G) Within ninety days after the end of each <u>state</u> fiscal year <u>biennium</u>, each county shall return any unspent funds to the department.	36441
(H) In accordance with Chapter 119. of the Revised Code, the (E) The director shall of job and family services may adopt, and may amend and rescind, the following rules in accordance with section 111.15 of the Revised Code:	36442
(1) Rules that are necessary for the allocation of funds under this section;	36443
(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.	36444
Sec. 5101.141. (A) <u>As used in sections 5101.141 to 5101.1410 of the Revised Code, "Title IV-E" means Title IV-E of the "Social</u>	36445
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Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 36465

(B) The department of job and family services shall act as 36466
the single state agency to administer federal payments for foster 36467
care and adoption assistance made pursuant to Title IV-E ~~of the~~ 36468
~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as~~ 36469
~~amended.~~ The director of job and family services shall adopt rules 36470
to implement this authority. Internal management rules governing 36471
financial and administrative requirements applicable to public 36472
children services agencies, ~~private child placing agencies,~~ and 36473
~~private noncustodial agencies~~ government entities that provide 36474
Title IV-E reimbursable placement services to children shall be 36475
adopted in accordance with section 111.15 of the Revised Code. 36476
Rules governing requirements applicable to private child placing 36477
agencies and private noncustodial agencies and rules establishing 36478
eligibility, program participation, and other requirements 36479
concerning Title IV-E shall be adopted in accordance with Chapter 36480
119. of the Revised Code. A public children services agency to 36481
which the department distributes Title IV-E funds shall administer 36482
the funds in accordance with those rules. 36483

~~(B)~~(C)(1) The county, on behalf of each child eligible for 36484
foster care maintenance payments under Title IV-E ~~of the "Social~~ 36485
~~Security Act,"~~ shall make payments to cover the cost of providing 36486
all of the following: 36487

(a) The child's food, clothing, shelter, daily supervision, 36488
and school supplies; 36489

(b) The child's personal incidentals; 36490

(c) Reasonable travel to the child's home for visitation. 36491

(2) In addition to payments made under division ~~(B)~~(C)(1) of 36492
this section, the county may, on behalf of each child eligible for 36493
foster care maintenance payments under Title IV-E ~~of the "Social~~ 36494
~~Security Act,"~~ make payments to cover the cost of providing the 36495

following: 36496

(a) Liability insurance with respect to the child; 36497

(b) If the county is participating in the demonstration 36498
project established under division (A) of section 5101.142 of the 36499
Revised Code, services provided under the project. 36500

(3) With respect to a child who is in a child-care 36501
institution, including any type of group home designed for the 36502
care of children or any privately operated program consisting of 36503
two or more certified foster homes operated by a common 36504
administrative unit, the foster care maintenance payments made by 36505
the county on behalf of the child shall include the reasonable 36506
cost of the administration and operation of the institution, group 36507
home, or program, as necessary to provide the items described in 36508
divisions ~~(B)~~(C)(1) and (2) of this section. 36509

~~(C)~~(D) To the extent that either foster care maintenance 36510
payments under division ~~(B)~~ (C) of this section or Title IV-E 36511
adoption assistance payments for maintenance costs require the 36512
expenditure of county funds, the board of county commissioners 36513
shall report the nature and amount of each expenditure of county 36514
funds to the department. 36515

~~(D)~~(E) The department shall distribute to public children 36516
services agencies that incur and report such expenditures federal 36517
financial participation received for administrative and training 36518
costs incurred in the operation of foster care maintenance and 36519
adoption assistance programs. The department may withhold not more 36520
than three per cent of the federal financial participation 36521
received. The funds withheld may be used only to fund the Ohio 36522
child welfare training program established under section 5153.60 36523
of the Revised Code and the university partnership program for 36524
college and university students majoring in social work who have 36525
committed to work for a public children services agency upon 36526

graduation. The funds withheld shall be in addition to any 36527
administration and training cost for which the department is 36528
reimbursed through its own cost allocation plan. 36529

~~(E)~~(F) All federal financial participation funds received by 36530
a county pursuant to this section shall be deposited into the 36531
county's children services fund created pursuant to section 36532
5101.144 of the Revised Code. 36533

~~(F)~~(G) The department shall periodically publish and 36534
distribute the maximum amounts that the department will reimburse 36535
public children services agencies for making payments on behalf of 36536
children eligible for foster care maintenance payments. 36537

~~(G)~~(H) The department, by and through its director, is hereby 36538
authorized to develop, participate in the development of, 36539
negotiate, and enter into one or more interstate compacts on 36540
behalf of this state with agencies of any other states, for the 36541
provision of medical assistance and other social services to 36542
children in relation to whom all of the following apply: 36543

(1) They have special needs. 36544

(2) This state or another state that is a party to the 36545
interstate compact is providing adoption assistance on their 36546
behalf. 36547

(3) They move into this state from another state or move out 36548
of this state to another state. 36549

Sec. 5101.142. (A) The department of job and family services 36550
may apply to the United States secretary of health and human 36551
services for a waiver of requirements established under Title IV-E 36552
of the ~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670~~ 36553
~~(1980)~~, or regulations adopted thereunder, to conduct a 36554
demonstration project expanding eligibility for and services 36555
provided under Title IV-E. The department may enter into 36556

agreements with the secretary necessary to implement the 36557
demonstration project, including agreements establishing the terms 36558
and conditions of the waiver authorizing the project. If a 36559
demonstration project is to be established, the department shall 36560
do all of the following: 36561

(1) Have the director of job and family services adopt rules 36562
in accordance with Chapter 119. of the Revised Code governing the 36563
project. The rules shall be consistent with the agreements the 36564
department enters into with the secretary. 36565

(2) Enter into agreements with public children services 36566
agencies that the department selects for participation in the 36567
project. The department shall not select an agency that objects to 36568
participation or refuses to be bound by the terms and conditions 36569
of the project. 36570

(3) Contract with persons or governmental agencies providing 36571
services under the project; 36572

(4) Amend the state plan required by section 471 of the 36573
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 36574
implement the project; 36575

(5) Conduct ongoing evaluations of the project; 36576

(6) Perform other administrative and operational activities 36577
required by the agreement with the secretary. 36578

(B) The department may apply to the United States secretary 36579
of health and human services for a waiver of the requirements 36580
established under Title IV-B of the "Social Security Act of 1967," 36581
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 36582
and established under any other federal law or regulations that 36583
affect the children services functions prescribed by Chapter 5153. 36584
of the Revised Code, to conduct demonstration projects or 36585
otherwise improve the effectiveness and efficiency of the children 36586
services function. 36587

~~Sec. 5101.144. As used in this section, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.~~ 36588
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Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children services fund. A county shall use money in the fund only for the purposes of meeting the expenses of providing children services. 36591
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~~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).~~ 36598
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~~(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, and government entities that provide Title IV-E reimbursable placement services to children, the department of job and family services shall establish both of the following: 36601
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(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid; 36608
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(2) Procedures to monitor cost reports submitted by the agencies or entities. 36611
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~~(C)~~(B) The procedures established under division ~~(B)~~(A)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following: 36613
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(1) Determine which of the costs are reimbursable under Title 36616

IV-E; 36617

(2) Ensure that costs reimbursable under medicaid are 36618
excluded from determinations made under division ~~(C)~~(B)(1) of this 36619
section. 36620

Sec. 5101.146. The department of job and family services 36621
shall establish the following penalties, which shall be enforced 36622
at the discretion of the department, for the failure of a public 36623
children services agency, private child placing agency, ~~or~~ private 36624
noncustodial agency, or government entity that provides Title IV-E 36625
reimbursable placement services to children to comply with 36626
procedures the department establishes to ensure fiscal 36627
accountability: 36628

(A) For initial failure, the department and the agency or 36629
entity involved shall jointly develop and implement a corrective 36630
action plan according to a specific schedule. If requested by the 36631
agency or entity involved, the department shall provide technical 36632
assistance to the agency or entity to ensure the fiscal 36633
accountability procedures and goals of the plan are met. 36634

(B) For subsequent failures or failure to achieve the goals 36635
of the plan described in division (A) of this section, ~~either~~ one 36636
of the following: 36637

(1) For public children services agencies, the department may 36638
take any action permitted under division (B)(3), (4), or (5) of 36639
section 5101.24 of the Revised Code. 36640

(2) For private child placing agencies or private 36641
noncustodial agencies, cancellation of any Title IV-E allowability 36642
rates for the agency involved pursuant to section 5101.141 of the 36643
Revised Code or revocation pursuant to Chapter 119. of the Revised 36644
Code of that agency's certificate issued under section 5103.03 of 36645
the Revised Code; 36646

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code. 36647
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Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case: 36652
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(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code. 36661
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(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report. 36664
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(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed. 36666
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Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code: 36672
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(1) "Disability financial assistance" means the financial and medical assistance provided program established under Chapter 5115. of the Revised Code. 36674
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(2) <u>"Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.</u>	36677 36678 36679
(3) "Food stamps" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	36680 36681 36682
(3) (4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	36683 36684 36685
(4) (5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	36686 36687
(5) (6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	36688 36689
(6) (7) "Public assistance expenditures" means expenditures for all of the following:	36690 36691
(a) Ohio works first;	36692
(b) County administration of Ohio works first;	36693
(c) Prevention, retention, and contingency;	36694
(d) County administration of prevention, retention, and contingency;	36695 36696
(e) Disability <u>financial</u> assistance;	36697
(f) <u>Disability medical assistance</u> ;	36698
(g) County administration of disability <u>financial</u> assistance;	36699
(g) (h) <u>County administration of disability medical assistance</u> ;	36700 36701
(i) County administration of food stamps;	36702
(h) (j) County administration of medicaid.	36703
(7) <u>"Title IV-A program" has the same meaning as in section</u>	36704

5101.80 of the Revised Code. 36705

(B) Each board of county commissioners shall pay the county 36706
share of public assistance expenditures in accordance with section 36707
5101.161 of the Revised Code. Except as provided in division (C) 36708
of this section, a county's share of public assistance 36709
expenditures is the sum of all of the following for state fiscal 36710
year 1998 and each state fiscal year thereafter: 36711

(1) The amount that is twenty-five per cent of the county's 36712
total expenditures for disability financial assistance and 36713
disability medical assistance and county administration of 36714
~~disability assistance~~ those programs during the state fiscal year 36715
ending in the previous calendar year that the department of job 36716
and family services determines are allowable. 36717

(2) The amount that is ten per cent, or other percentage 36718
determined under division (D) of this section, of the county's 36719
total expenditures for county administration of food stamps and 36720
medicaid during the state fiscal year ending in the previous 36721
calendar year that the department determines are allowable, less 36722
the amount of federal reimbursement credited to the county under 36723
division (E) of this section for the state fiscal year ending in 36724
the previous calendar year; 36725

~~(3)(a) Except as provided in division (B)(3)(b) of this~~ 36726
~~section, A percentage of the actual amount, as determined by the~~ 36727
~~department of job and family services from expenditure reports~~ 36728
~~submitted to the United States department of health and human~~ 36729
~~services,~~ of the county share of program and administrative 36730
expenditures during federal fiscal year 1994 for assistance and 36731
services, other than child day-care, provided under Titles IV-A 36732
and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 36733
U.S.C. 301, as those titles existed prior to the enactment of the 36734
"Personal Responsibility and Work Opportunity Reconciliation Act 36735
of 1996," 110 Stat. 2105. The department of job and family 36736

services shall determine the actual amount of the county share 36737
from expenditure reports submitted to the United States department 36738
of health and human services. The percentage shall be the 36739
percentage established in rules adopted under division (F) of this 36740
section. 36741

~~(b) For state fiscal years 2000 and 2001, seventy seven per~~ 36742
~~cent of the amount determined under division (B)(3)(a) of this~~ 36743
~~section.~~ 36744

(C)(1) If a county's share of public assistance expenditures 36745
determined under division (B) of this section for a state fiscal 36746
year exceeds one hundred ten per cent of the county's share for 36747
those expenditures for the immediately preceding state fiscal 36748
year, the department of job and family services shall reduce the 36749
county's share for expenditures under divisions (B)(1) and (2) of 36750
this section so that the total of the county's share for 36751
expenditures under division (B) of this section equals one hundred 36752
ten per cent of the county's share of those expenditures for the 36753
immediately preceding state fiscal year. 36754

(2) A county's share of public assistance expenditures 36755
determined under division (B) of this section may be increased 36756
pursuant to a sanction under section 5101.24 of the Revised Code. 36757

(D)(1) If the per capita tax duplicate of a county is less 36758
than the per capita tax duplicate of the state as a whole and 36759
division (D)(2) of this section does not apply to the county, the 36760
percentage to be used for the purpose of division (B)(2) of this 36761
section is the product of ten multiplied by a fraction of which 36762
the numerator is the per capita tax duplicate of the county and 36763
the denominator is the per capita tax duplicate of the state as a 36764
whole. The department of job and family services shall compute the 36765
per capita tax duplicate for the state and for each county by 36766
dividing the tax duplicate for the most recent available year by 36767
the current estimate of population prepared by the department of 36768

development. 36769

(2) If the percentage of families in a county with an annual 36770
income of less than three thousand dollars is greater than the 36771
percentage of such families in the state and division (D)(1) of 36772
this section does not apply to the county, the percentage to be 36773
used for the purpose of division (B)(2) of this section is the 36774
product of ten multiplied by a fraction of which the numerator is 36775
the percentage of families in the state with an annual income of 36776
less than three thousand dollars a year and the denominator is the 36777
percentage of such families in the county. The department of job 36778
and family services shall compute the percentage of families with 36779
an annual income of less than three thousand dollars for the state 36780
and for each county by multiplying the most recent estimate of 36781
such families published by the department of development, by a 36782
fraction, the numerator of which is the estimate of average annual 36783
personal income published by the bureau of economic analysis of 36784
the United States department of commerce for the year on which the 36785
census estimate is based and the denominator of which is the most 36786
recent such estimate published by the bureau. 36787

(3) If the per capita tax duplicate of a county is less than 36788
the per capita tax duplicate of the state as a whole and the 36789
percentage of families in the county with an annual income of less 36790
than three thousand dollars is greater than the percentage of such 36791
families in the state, the percentage to be used for the purpose 36792
of division (B)(2) of this section shall be determined as follows: 36793

(a) Multiply ten by the fraction determined under division 36794
(D)(1) of this section; 36795

(b) Multiply the product determined under division (D)(3)(a) 36796
of this section by the fraction determined under division (D)(2) 36797
of this section. 36798

(4) The department of job and family services shall 36799

determine, for each county, the percentage to be used for the 36800
purpose of division (B)(2) of this section not later than the 36801
first day of July of the year preceding the state fiscal year for 36802
which the percentage is used. 36803

(E) The department of job and family services shall credit to 36804
a county the amount of federal reimbursement the department 36805
receives from the United States departments of agriculture and 36806
health and human services for the county's expenditures for 36807
administration of food stamps and medicaid that the department 36808
determines are allowable administrative expenditures. 36809

(F)(1) The director of job and family services shall adopt 36810
rules in accordance with section 111.15 of the Revised Code to 36811
establish all of the following: 36812

~~(1)(a)~~ The method the department is to use to change a 36813
county's share of public assistance expenditures determined under 36814
division (B) of this section as provided in division (C) of this 36815
section; 36816

~~(2)(b)~~ The allocation methodology and formula the department 36817
will use to determine the amount of funds to credit to a county 36818
under this section; 36819

~~(3)(c)~~ The method the department will use to change the 36820
payment of the county share of public assistance expenditures from 36821
a calendar-year basis to a state fiscal year basis; 36822

~~(4)(d)~~ The percentage to be used for the purpose of division 36823
(B)(3) of this section, which shall meet both of the following 36824
requirements: 36825

(i) The percentage shall not be less than seventy-five per 36826
cent nor more than eighty-two per cent; 36827

(ii) The percentage shall not exceed the percentage that the 36828
state's qualified state expenditures is of the state's historic 36829

<u>state expenditures as those terms are defined in 42 U.S.C.</u>	36830
<u>609(a)(7).</u>	36831
<u>(e) Other procedures and requirements necessary to implement</u>	36832
this section.	36833
<u>(2) The director of job and family services may amend the</u>	36834
<u>rule adopted under division (F)(1)(d) of this section to modify</u>	36835
<u>the percentage on determination that the amount the general</u>	36836
<u>assembly appropriates for Title IV-A programs makes the</u>	36837
<u>modification necessary. The rule shall be adopted and amended as</u>	36838
<u>if an internal management rule and in consultation with the</u>	36839
<u>director of budget and management.</u>	36840
Sec. 5101.18. (A) When the director of job and family	36841
services adopts rules under section 5107.05 regarding income	36842
requirements for the Ohio works first program and under section	36843
5115.05 <u>5115.03</u> of the Revised Code regarding income and resource	36844
requirements for the disability <u>financial</u> assistance program, the	36845
director shall determine what payments shall be regarded or	36846
disregarded. In making this determination, the director shall	36847
consider:	36848
(1) The source of the payment;	36849
(2) The amount of the payment;	36850
(3) The purpose for which the payment was made;	36851
(4) Whether regarding the payment as income would be in the	36852
public interest;	36853
(5) Whether treating the payment as income would be	36854
detrimental to any of the programs administered in whole or in	36855
part by the department of job and family services and whether such	36856
determination would jeopardize the receipt of any federal grant or	36857
payment by the state or any receipt of aid under Chapter 5107. of	36858
the Revised Code.	36859

(B) Any recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old-age, survivors, and disability insurance benefits under such act, shall remain a recipient for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to Ohio works first; ~~prevention~~, all of the following:

(1) Prevention retention, and contingency; ~~medicaid~~

(2) Medicaid; ~~and disability~~

(3) Disability financial assistance, ~~general~~;

(4) Disability medical assistance;

(5) General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.

(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107., 5108., 5111., or 5115. of the Revised Code, the director of job and family services shall furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The

director of administrative services, administrator, boards, and 36890
any agent or employee of those officials and boards shall comply 36891
with the rules of the director of job and family services 36892
restricting the disclosure of information regarding recipients of 36893
public assistance. Any person who violates this provision shall 36894
thereafter be disqualified from acting as an agent or employee or 36895
in any other capacity under appointment or employment of any state 36896
board, commission, or agency. 36897

(C) The auditor of state may enter into a reciprocal 36898
agreement with the director of job and family services or 36899
comparable officer of any other state for the exchange of names, 36900
current or most recent addresses, or social security numbers of 36901
persons receiving public assistance under Title IV-A or under 36902
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 36903
U.S.C. 301, as amended. 36904

(D)(1) The auditor of state shall retain, for not less than 36905
two years, at least one copy of all information received under 36906
this section and sections 145.27, 742.41, 3307.20, 3309.22, 36907
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 36908
shall review the information to determine whether overpayments 36909
were made to recipients of public assistance under Chapters 5107., 36910
5108., 5111., and 5115. of the Revised Code. The auditor of state 36911
shall initiate action leading to prosecution, where warranted, of 36912
recipients who received overpayments by forwarding the name of 36913
each recipient who received overpayment, together with other 36914
pertinent information, to the director of job and family services 36915
and the attorney general, to the district director of job and 36916
family services of the district through which public assistance 36917
was received, and to the county director of job and family 36918
services and county prosecutor of the county through which public 36919
assistance was received. 36920

(2) The auditor of state and the attorney general or their 36921

designees may examine any records, whether in computer or printed 36922
format, in the possession of the director of job and family 36923
services or any county director of job and family services. They 36924
shall provide safeguards which restrict access to such records to 36925
purposes directly connected with an audit or investigation, 36926
prosecution, or criminal or civil proceeding conducted in 36927
connection with the administration of the programs and shall 36928
comply with the rules of the director of job and family services 36929
restricting the disclosure of information regarding recipients of 36930
public assistance. Any person who violates this provision shall 36931
thereafter be disqualified from acting as an agent or employee or 36932
in any other capacity under appointment or employment of any state 36933
board, commission, or agency. 36934

(3) Costs incurred by the auditor of state in carrying out 36935
the auditor of state's duties under this division shall be borne 36936
by the auditor of state. 36937

Sec. 5101.214. The director of job and family services may 36938
enter into agreements with one-stop operators and one-stop 36939
partners for the purpose of implementing the requirements of 36940
section 121 of the "Workforce Investment Act of 1998," 112 Stat. 36941
936, 29 U.S.C. 2801. 36942

Sec. 5101.36. Any application for public assistance gives a 36943
right of subrogation to the department of job and family services 36944
for any workers' compensation benefits payable to a person who is 36945
subject to a support order, as defined in section 3119.01 of the 36946
Revised Code, on behalf of the applicant, to the extent of any 36947
public assistance payments made on the applicant's behalf. If the 36948
director of job and family services, in consultation with a child 36949
support enforcement agency and the administrator of the bureau of 36950
workers' compensation, determines that a person responsible for 36951
support payments to a recipient of public assistance is receiving 36952

workers' compensation, the director shall notify the administrator 36953
of the amount of the benefit to be paid to the department of job 36954
and family services. 36955

For purposes of this section, "public assistance" means 36956
medical assistance provided through the medical assistance program 36957
established under section 5111.01 of the Revised Code; Ohio works 36958
first provided under Chapter 5107. of the Revised Code; 36959
prevention, retention, and contingency benefits and services 36960
provided under Chapter 5108. of the Revised Code; ~~or~~ disability 36961
financial assistance provided under Chapter 5115. of the Revised 36962
Code; or disability medical assistance provided under Chapter 36963
5115. of the Revised Code. 36964

Sec. 5101.58. As used in this section and section 5101.59 of 36965
the Revised Code, "public assistance" means aid provided under 36966
Chapter 5111. or 5115. of the Revised Code and participation in 36967
the Ohio works first program established under Chapter 5107. of 36968
the Revised Code. 36969

The acceptance of public assistance gives a right of recovery 36970
to the department of job and family services and a county 36971
department of job and family services against the liability of a 36972
third party for the cost of medical services and care arising out 36973
of injury, disease, or disability of the public assistance 36974
recipient or participant. When an action or claim is brought 36975
against a third party by a public assistance recipient or 36976
participant, the entire amount of any settlement or compromise of 36977
the action or claim, or any court award or judgment, is subject to 36978
the recovery right of the department of job and family services or 36979
county department of job and family services. Except in the case 36980
of a recipient or participant who receives medical services or 36981
care through a managed care organization, the department's or 36982
county department's claim shall not exceed the amount of medical 36983

expenses paid by the departments on behalf of the recipient or 36984
participant. In the case of a recipient or participant who 36985
receives medical services or care through a managed care 36986
organization, the amount of the department's or county 36987
department's claim shall be the amount the managed care 36988
organization pays for medical services or care rendered to the 36989
recipient or participant, even if that amount is more than the 36990
amount the departments pay to the managed care organization for 36991
the recipient's or participant's medical services or care. Any 36992
settlement, compromise, judgment, or award that excludes the cost 36993
of medical services or care shall not preclude the departments 36994
from enforcing their rights under this section. 36995

Prior to initiating any recovery action, the recipient or 36996
participant, or the recipient's or participant's representative, 36997
shall disclose the identity of any third party against whom the 36998
recipient or participant has or may have a right of recovery. 36999
Disclosure shall be made to the department of job and family 37000
services when medical expenses have been paid pursuant to Chapter 37001
5111. or 5115. of the Revised Code. Disclosure shall be made to 37002
both the department of job and family services and the appropriate 37003
county department of job and family services when medical expenses 37004
have been paid pursuant to Chapter 5115. of the Revised Code. No 37005
settlement, compromise, judgment, or award or any recovery in any 37006
action or claim by a recipient or participant where the 37007
departments have a right of recovery shall be made final without 37008
first giving the appropriate departments notice and a reasonable 37009
opportunity to perfect their rights of recovery. If the 37010
departments are not given appropriate notice, the recipient or 37011
participant is liable to reimburse the departments for the 37012
recovery received to the extent of medical payments made by the 37013
departments. The departments shall be permitted to enforce their 37014
recovery rights against the third party even though they accepted 37015
prior payments in discharge of their rights under this section if, 37016

at the time the departments received such payments, they were not 37017
aware that additional medical expenses had been incurred but had 37018
not yet been paid by the departments. The third party becomes 37019
liable to the department of job and family services or county 37020
department of job and family services as soon as the third party 37021
is notified in writing of the valid claims for recovery under this 37022
section. 37023

The right of recovery does not apply to that portion of any 37024
judgment, award, settlement, or compromise of a claim, to the 37025
extent of attorneys' fees, costs, or other expenses incurred by a 37026
recipient or participant in securing the judgment, award, 37027
settlement, or compromise, or to the extent of medical, surgical, 37028
and hospital expenses paid by such recipient or participant from 37029
the recipient's or participant's own resources. Attorney fees and 37030
costs or other expenses in securing any recovery shall not be 37031
assessed against any claims of the departments. 37032

To enforce their recovery rights, the departments may do any 37033
of the following: 37034

(A) Intervene or join in any action or proceeding brought by 37035
the recipient or participant or on the recipient's or 37036
participant's behalf against any third party who may be liable for 37037
the cost of medical services and care arising out of the 37038
recipient's or participant's injury, disease, or disability; 37039

(B) Institute and pursue legal proceedings against any third 37040
party who may be liable for the cost of medical services and care 37041
arising out of the recipient's or participant's injury, disease, 37042
or disability; 37043

(C) Initiate legal proceedings in conjunction with the 37044
injured, diseased, or disabled recipient or participant or the 37045
recipient's or participant's legal representative. 37046

Recovery rights created by this section may be enforced 37047

separately or jointly by the department of job and family services 37048
and the county department of job and family services. 37049

The right of recovery given to the department under this 37050
section does not include rights to support from any other person 37051
assigned to the state under sections 5107.20 and ~~5115.13~~ 5115.07 37052
of the Revised Code, but includes payments made by a third party 37053
under contract with a person having a duty to support. 37054

The director of job and family services may adopt rules in 37055
accordance with Chapter 119. of the Revised Code the department 37056
considers necessary to implement this section. 37057

Sec. 5101.59. (A) The application for or acceptance of public 37058
assistance constitutes an automatic assignment of certain rights 37059
to the department of job and family services. This assignment 37060
includes the rights of the applicant, recipient, or participant 37061
and also the rights of any other member of the assistance group 37062
for whom the applicant, recipient, or participant can legally make 37063
an assignment. 37064

Pursuant to this section, the applicant, recipient, or 37065
participant assigns to the department any rights to medical 37066
support available to the applicant, recipient, or participant or 37067
for other members of the assistance group under an order of a 37068
court or administrative agency, and any rights to payments from 37069
any third party liable to pay for the cost of medical care and 37070
services arising out of injury, disease, or disability of the 37071
applicant, recipient, participant, or other members of the 37072
assistance group. 37073

Medicare benefits shall not be assigned pursuant to this 37074
section. Benefits assigned to the department by operation of this 37075
section are directly reimbursable to the department by liable 37076
third parties. 37077

(B) Refusal by the applicant, recipient, or participant to cooperate in obtaining medical support and payments for self or any other member of the assistance group renders the applicant, recipient, or participant ineligible for public assistance, unless cooperation is waived by the department. Eligibility shall continue for any individual who cannot legally assign the individual's own rights and who would have been eligible for public assistance but for the refusal to assign the individual's rights or to cooperate as required by this section by another person legally able to assign the individual's rights.

If the applicant, recipient, or participant or any member of the assistance group becomes ineligible for public assistance, the department shall restore to the applicant, recipient, participant, or member of the assistance group any future rights to benefits assigned under this section.

The rights of assignment given to the department under this section do not include rights to support assigned under section 5107.20 or ~~5115.13~~ 5115.07 of the Revised Code.

(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules that specify what constitutes cooperating with efforts to obtain medical support and payments and when the cooperation requirement may be waived.

Sec. 5101.75. (A) As used in sections 5101.75, 5101.751, 5101.752, 5101.753, and 5101.754 of the Revised Code:

(1) "Alternative source of long-term care" includes a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, home and community-based services, and a nursing home licensed under Chapter 3721. of the Revised Code that

is not a nursing facility. 37108

(2) "Medicaid" means the medical assistance program 37109
established under Chapter 5111. of the Revised Code. 37110

(3) "Nursing facility" has the same meaning as in section 37111
5111.20 of the Revised Code. 37112

(4) "Representative" means a person acting on behalf of an 37113
applicant for admission to a nursing facility. A representative 37114
may be a family member, attorney, hospital social worker, or any 37115
other person chosen to act on behalf of an applicant. 37116

(5) "Third-party payment source" means a third-party payer as 37117
defined in section 3901.38 of the Revised Code or medicaid. 37118

(B) Effective July 1, 1994, the department of job and family 37119
services may assess a person applying or intending to apply for 37120
admission to a nursing facility who is not an applicant for or 37121
recipient of medicaid to determine whether the person is in need 37122
of nursing facility services and whether an alternative source of 37123
long-term care is more appropriate for the person in meeting the 37124
person's physical, mental, and psychosocial needs than admission 37125
to the facility to which the person has applied. 37126

Each assessment shall be performed by the department or an 37127
agency designated by the department under section 5101.751 of the 37128
Revised Code and shall be based on information provided by the 37129
person or the person's representative. It shall consider the 37130
person's physical, mental, and psychosocial needs and the 37131
availability and effectiveness of informal support and care. The 37132
department or designated agency shall determine the person's 37133
physical, mental, and psychosocial needs by using, to the maximum 37134
extent appropriate, information from the resident assessment 37135
instrument specified in rules adopted by the department under 37136
division (A) of section 5111.231 of the Revised Code. The 37137
department or designated agency shall also use the criteria and 37138

procedures established in rules adopted by the department under 37139
division (I) of this section. Assessments may be performed only by 37140
persons certified by the department under section 5101.752 of the 37141
Revised Code. The department or designated agency shall make a 37142
recommendation on the basis of the assessment and, not later than 37143
the time the assessment is required to be performed under division 37144
(D) of this section, give the person assessed written notice of 37145
the recommendation, which shall explain the basis for the 37146
recommendation. If the department or designated agency determines 37147
pursuant to an assessment that an alternative source of long-term 37148
care is more appropriate for the person than admission to the 37149
facility to which the person has applied, the department or 37150
designated agency shall include in the notice possible sources of 37151
financial assistance for the alternative source of long-term care. 37152
If the department or designated agency has been informed that the 37153
person has a representative, it shall give the notice to the 37154
representative. 37155

(C) A person is not required to be assessed under division 37156
(B) of this section if any of the following apply: 37157

(1) The circumstances specified by rules adopted under 37158
division (I) of this section exist. 37159

(2) The person is to receive care in a nursing facility under 37160
a contract for continuing care as defined in section 173.13 of the 37161
Revised Code. 37162

(3) The person has a contractual right to admission to a 37163
nursing facility operated as part of a system of continuing care 37164
in conjunction with one or more facilities that provide a less 37165
intensive level of services, including a residential care facility 37166
licensed under Chapter 3721. of the Revised Code, an adult-care 37167
facility licensed under Chapter 3722. of the Revised Code, or an 37168
independent living arrangement; 37169

(4) The person is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The person is to receive care in the nursing facility for not more than fourteen days in order to provide temporary relief to the person's primary caregiver and the nursing facility notifies the department of the person's admittance not later than twenty-four hours after admitting the person;

(6) The person is to be transferred from another nursing facility, unless the nursing facility from which or to which the person is to be transferred determines that the person's medical condition has changed substantially since the person's admission to the nursing facility from which the person is to be transferred or a review is required by a third-party payment source;

(7) The person is to be readmitted to a nursing facility following a period of hospitalization, unless the hospital or nursing facility determines that the person's medical condition has changed substantially since the person's admission to the hospital, or a review is required by a third-party payment source;

(8) The department or designated agency fails to complete an assessment within the time required by division (D) or (E) of this section or determines after a partial assessment that the person should be exempt from the assessment.

(D) The department or designated agency shall perform a complete assessment, or, if circumstances provided by rules adopted under division (I) of this section exist, a partial assessment, as follows:

(1) In the case of a hospitalized person applying or intending to apply to a nursing facility, not later than two working days after the person or the person's representative is notified that a bed is available in a nursing facility;

(2) In the case of an emergency as determined in accordance with rules adopted under division (I) of this section, not later than one working day after the person or the person's representative is notified that a bed is available in a nursing facility;

(3) In all other cases, not later than five calendar days after the person or the person's representative who submits the application is notified that a bed is available in a nursing facility.

(E) If the department or designated agency conducts a partial assessment under division (D) of this section, it shall complete the rest of the assessment not later than one hundred eighty days after the date the person is admitted to the nursing facility unless the assessment entity determines the person should be exempt from the assessment.

(F) A person assessed under this section or the person's representative may file a complaint with the department about the assessment process. The department shall work to resolve the complaint in accordance with rules adopted under division (I) of this section.

(G) A person is not required to seek an alternative source of long-term care and may be admitted to or continue to reside in a nursing facility even though an alternative source of long-term care is available or the person is determined pursuant to an assessment under this section not to need nursing facility services.

(H) No nursing facility ~~with~~ for which an operator has a provider agreement with the department under section 5111.22 of the Revised Code shall admit or retain any person, other than a person exempt from the assessment requirement as provided by division (C) of this section, as a resident unless the nursing

facility has received evidence that a complete or partial	37232
assessment has been completed.	37233
(I) The director of job and family services shall adopt rules	37234
in accordance with Chapter 119. of the Revised Code to implement	37235
and administer this section. The rules shall include all of the	37236
following:	37237
(1) The information a person being assessed or the person's	37238
representative must provide to enable the department or designated	37239
agency to do the assessment;	37240
(2) Criteria to be used to determine whether a person is in	37241
need of nursing facility services;	37242
(3) Criteria to be used to determine whether an alternative	37243
source of long-term care is appropriate for the person being	37244
assessed;	37245
(4) Criteria and procedures to be used to determine a	37246
person's physical, mental, and psychosocial needs;	37247
(5) Criteria to be used to determine the effectiveness and	37248
continued availability of a person's current source of informal	37249
support and care;	37250
(6) Circumstances, in addition to those specified in division	37251
(C) of this section, under which a person is not required to be	37252
assessed;	37253
(7) Circumstances under which the department or designated	37254
agency may perform a partial assessment under division (D) of this	37255
section;	37256
(8) The method by which a situation will be determined to be	37257
an emergency for the purpose of division (D)(2) of this section;	37258
(9) The method by which the department will attempt to	37259
resolve complaints filed under division (F) of this section.	37260
(J) The director of job and family services may fine a	37261

nursing facility an amount determined by rules the director shall 37262
adopt in accordance with Chapter 119. of the Revised Code in 37263
either of the following circumstances: 37264

(1) The nursing facility fails to notify the department 37265
within the required time about an admission described in division 37266
(C)(5) of this section; 37267

(2) The nursing facility admits, without evidence that a 37268
complete or partial assessment has been conducted, a person other 37269
than a person exempt from the assessment requirement as provided 37270
by division (C) of this section. 37271

The director shall deposit all fines collected under this 37272
division into the residents protection fund established by section 37273
5111.62 of the Revised Code. 37274

Sec. 5101.80. (A) As used in this section and in section 37275
5101.801 of the Revised Code: 37276

(1) "County family services agency" has the same meaning as 37277
in section 307.981 of the Revised Code. 37278

(2) "State agency" has the same meaning as in section 9.82 of 37279
the Revised Code. 37280

(3) "Title IV-A program" means all of the following that are 37281
funded in part with funds provided under the temporary assistance 37282
for needy families block grant established by Title IV-A of the 37283
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 37284
amended: 37285

(a) The Ohio works first program established under Chapter 37286
5107. of the Revised Code; 37287

(b) The prevention, retention, and contingency program 37288
established under Chapter 5108. of the Revised Code; 37289

(c) A program established by the general assembly or an 37290

executive order issued by the governor that is administered or 37291
supervised by the department of job and family services pursuant 37292
to section 5101.801 of the Revised Code; 37293

(d) A component of a Title IV-A program identified under 37294
divisions (A)(3)(a) to (c) of this section that the Title IV-A 37295
state plan prepared under division (C)(1) of this section 37296
identifies as a component. 37297

(B) The department of job and family services shall act as 37298
the single state agency to administer and supervise the 37299
administration of Title IV-A programs. The Title IV-A state plan 37300
and amendments to the plan prepared under division (C) of this 37301
section are binding on county family services agencies and state 37302
agencies that administer a Title IV-A program. No county family 37303
services agency or state agency administering a Title IV-A program 37304
may establish, by rule or otherwise, a policy governing the Title 37305
IV-A program that is inconsistent with a Title IV-A program policy 37306
established, in rule or otherwise, by the director of job and 37307
family services. 37308

(C) The department of job and family services shall do all of 37309
the following: 37310

(1) Prepare and submit to the United States secretary of 37311
health and human services a Title IV-A state plan for Title IV-A 37312
programs; 37313

(2) Prepare and submit to the United States secretary of 37314
health and human services amendments to the Title IV-A state plan 37315
that the department determines necessary, including amendments 37316
necessary to implement Title IV-A programs identified in division 37317
(A)(3)(c) and (d) of this section; 37318

(3) Prescribe forms for applications, certificates, reports, 37319
records, and accounts of county family services agencies and state 37320
agencies administering a Title IV-A program, and other matters 37321

related to Title IV-A programs;	37322
(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 Title IV-A programs;	37323 37324 37325 37326
(5) Require reports and information from each county family services agency and state agency administering a Title IV-A program as may be necessary or advisable regarding the Title IV-A program;	37327 37328 37329 37330
(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, a Title IV-A program aggrieved by a decision regarding the program;	37331 37332 37333 37334
(7) Administer and expend, pursuant to Chapters <u>5104.</u> , 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," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;	37335 37336 37337 37338 37339 37340 37341
(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;	37342 37343
(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;	37344 37345 37346
(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:	37347 37348 37349 37350
(a) Examine issues of process, practice, impact, and	37351

outcomes;	37352
(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 benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	37353 37354 37355 37356 37357 37358 37359 37360
(c) Provide the department with reports at times the department specifies.	37361 37362
(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:	37363 37364 37365
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	37366 37367 37368
(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.	37369 37370 37371
(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.	37372 37373 37374 37375 37376 37377 37378 37379 37380 37381
(13) To the extent authorized by section 5101.801 of the	37382

Revised Code, enter into interagency agreements with state 37383
agencies for the administration of Title IV-A programs identified 37384
under division (A)(3)(c) and (d) of this section. 37385

(D) The department shall provide copies of the reports it 37386
receives under division (C)(10) of this section and prepares under 37387
divisions (C)(11) and (12) of this section to the governor, the 37388
president and minority leader of the senate, and the speaker and 37389
minority leader of the house of representatives. The department 37390
shall provide copies of the reports to any private or government 37391
entity on request. 37392

(E) An authorized representative of the department or a 37393
county family services agency or state agency administering a 37394
Title IV-A program shall have access to all records and 37395
information bearing thereon for the purposes of investigations 37396
conducted pursuant to this section. 37397

Sec. 5101.83. (A) As used in this section: 37398

(1) "Assistance group" has the same meaning as in ~~sections~~ 37399
section 5107.02 and ~~5108.01~~ of the Revised Code, except that it 37400
also means a group provided benefits and services under the 37401
prevention, retention, and contingency program ~~because the members~~ 37402
~~of the group share a common need for benefits and services.~~ 37403

(2) "Fraudulent assistance" means assistance and service, 37404
including cash assistance, provided under the Ohio works first 37405
program established under Chapter 5107., or benefits and services 37406
provided under the prevention, retention, and contingency program 37407
established under Chapter 5108. of the Revised Code, to or on 37408
behalf of an assistance group that is provided as a result of 37409
fraud by a member of the assistance group, including an 37410
intentional violation of the program's requirements. "Fraudulent 37411
assistance" does not include assistance or services to or on 37412
behalf of an assistance group that is provided as a result of an 37413

error that is the fault of a county department of job and family services or the state department of job and family services. 37414
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(B) If a county director of job and family services 37416
determines that an assistance group has received fraudulent 37417
assistance, the assistance group is ineligible to participate in 37418
the Ohio works first program or the prevention, retention, and 37419
contingency program until a member of the assistance group repays 37420
the cost of the fraudulent assistance. If a member repays the cost 37421
of the fraudulent assistance and the assistance group otherwise 37422
meets the eligibility requirements for the Ohio works first 37423
program or the prevention, retention, and contingency program, the 37424
assistance group shall not be denied the opportunity to 37425
participate in the program. 37426

This section does not limit the ability of a county 37427
department of job and family services to recover erroneous 37428
payments under section 5107.76 of the Revised Code. 37429

The state department of job and family services shall adopt 37430
rules in accordance with Chapter 119. of the Revised Code to 37431
implement this section. 37432

Sec. 5101.97. (A)(1) Not later than the ~~first~~ last day of 37433
each July and January, the department of job and family services 37434
shall complete a report on the characteristics of the individuals 37435
who participate in or receive services through the programs 37436
operated by the department and the outcomes of the individuals' 37437
participation in or receipt of services through the programs. The 37438
~~report~~ reports shall be for the six-month periods ending on the 37439
last days of June and December and shall include information on 37440
the following: 37441

(a) Work activities, developmental activities, and 37442
alternative work activities established under sections 5107.40 to 37443
5107.69 of the Revised Code; 37444

(b) Programs of publicly funded child day-care, as defined in section 5104.01 of the Revised Code; 37445
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(c) Child support enforcement programs; 37447

(d) Births to recipients of the medical assistance program established under Chapter 5111. of the Revised Code. 37448
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(2) Not later than the ~~first~~ last day of each July, the department shall complete a progress report on the partnership agreements between the director of job and family services and boards of county commissioners under section 5101.21 of the Revised Code. The report shall be for the twelve-month period ending on the last day of June and shall include a review of whether the county family services agencies and workforce development agencies satisfied performance standards included in the agreements and whether the department provided assistance, services, and technical support specified in the agreements to aid the agencies in meeting the performance standards. 37450
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(3) The department shall submit the reports required under divisions (A)(1) and (2) of this section to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the legislative budget officer, the director of budget and management, and each board of county commissioners. The department shall provide copies of each report to any person or government entity on request. 37461
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In designing the format for each report, the department shall consult with individuals, organizations, and government entities interested in the programs operated by the department, so that the reports are designed to enable the general assembly and the public to evaluate the effectiveness of the programs and identify any needs that the programs are not meeting. 37468
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(B) Whenever the federal government requires that the department submit a report on a program that is operated by the 37474
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department or is otherwise under the department's jurisdiction, 37476
the department shall prepare and submit the report in accordance 37477
with the federal requirements applicable to that report. To the 37478
extent possible, the department may coordinate the preparation and 37479
submission of a particular report with any other report, plan, or 37480
other document required to be submitted to the federal government, 37481
as well as with any report required to be submitted to the general 37482
assembly. The reports required by the Personal Responsibility and 37483
Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be 37484
submitted as an annual summary. 37485

Sec. 5103.031. (A) Except as provided in section 5103.033 of 37486
the Revised Code, the department of job and family services may 37487
not issue a certificate under section 5103.03 of the Revised Code 37488
to a foster home unless the foster caregiver successfully 37489
completes the following amount of preplacement training through 37490
~~the Ohio child welfare training program~~ or a preplacement training 37491
program operated under section 5103.034 or 5153.60 of the Revised 37492
Code: 37493

(1) If the foster home is a family foster home, at least 37494
twelve hours; 37495

(2) If the foster home is a specialized foster home, at least 37496
thirty-six hours. 37497

(B) No child may be placed in a family foster home unless the 37498
foster caregiver completes at least twelve additional hours of 37499
preplacement training through ~~the Ohio child welfare training~~ 37500
~~program~~ or a preplacement training program operated under section 37501
5103.034 or 5153.60 of the Revised Code. 37502

Sec. 5103.033. The department of job and family services may 37503
issue or renew a certificate under section 5103.03 of the Revised 37504
Code to a foster home for the care of a child who is in the 37505

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 or 5153.60 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 5103.035 of the Revised Code.

Sec. 5103.034. ~~(A) A public children services agency, private child placing agency, or private noncustodial agency operating a preplacement training program or continuing training program approved by the department of job and family services under section 5103.038 of the Revised Code~~ or the Ohio child welfare training program operating a preplacement training program or continuing training program pursuant to section 5153.60 of the Revised Code shall make the program available to foster caregivers. The agency or program shall make the programs available without regard to the type of recommending agency from which a foster caregiver seeks a recommendation ~~and without charge to the foster caregiver.~~

(B) A private child placing agency or private noncustodial agency operating a preplacement training program or continuing training program approved by the department of job and family services under section 5103.038 of the Revised Code may condition

the enrollment of a foster caregiver in a program on either or 37537
both of the following: 37538

(1) Availability of space in the training program; 37539

(2) If applicable, payment of an instruction or registration 37540
fee, if any, by the foster caregiver's recommending agency. 37541

(C) The Ohio child welfare training program operating a 37542
preplacement training program or continuing training program 37543
pursuant to section 5153.60 of the Revised Code may condition the 37544
enrollment in a preplacement training program or continuing 37545
training program of a foster caregiver whose recommending agency 37546
is a private child placing agency or private noncustodial agency 37547
on either or both of the following: 37548

(1) Availability of space in the training program; 37549

(2) Assignment to the program by the foster caregiver's 37550
recommending agency of the allowance payable under section 37551
5103.0313 of the Revised Code. 37552

(D) A private child placing agency or private noncustodial 37553
agency may contract with an individual or a public or private 37554
entity to administer a preplacement training program or continuing 37555
training program operated by the agency and approved by the 37556
department of job and family services under section 5103.038 of 37557
the Revised Code. 37558

Sec. 5103.036. For the purpose of determining whether a 37559
foster caregiver has satisfied the requirement of section 5103.031 37560
or 5103.032 of the Revised Code, a recommending agency shall 37561
accept training obtained from ~~the Ohio child welfare training~~ 37562
~~program or pursuant to~~ a preplacement training program or 37563
continuing training program operated under section 5103.034 or 37564
5153.60 of the Revised Code regardless of whether the program is 37565
operated by the recommending agency operated the preplacement 37566

~~training program or continuing training program.~~ The agency may 37567
require that the foster caregiver successfully complete additional 37568
training as a condition of the agency recommending that the 37569
department of job and family services certify or recertify the 37570
foster caregiver's foster home under section 5103.03 of the 37571
Revised Code. 37572

Sec. 5103.037. The department of job and family services, in 37573
consultation with the departments of youth services, mental 37574
health, education, mental retardation and developmental 37575
disabilities, and alcohol and drug addiction services, shall 37576
develop a model design of a preplacement training program for 37577
foster caregivers seeking an initial certificate under section 37578
5103.03 of the Revised Code and a model design of a continuing 37579
training program for foster caregivers seeking renewal of a 37580
certificate under that section. The model design of a preplacement 37581
training program shall comply with section 5103.039 of the Revised 37582
Code. The model design of a continuing training program shall 37583
comply with section 5103.0310 of the Revised Code. The department 37584
of job and family services shall make the model designs available 37585
to ~~public children services agencies~~ the Ohio child welfare 37586
training program, private child placing agencies, and private 37587
noncustodial agencies. 37588

Sec. 5103.038. (A) Every other year by a date specified in 37589
rules adopted under section 5103.0316 of the Revised Code, each 37590
~~public children services agency~~, private child placing agency, and 37591
private noncustodial agency that seeks to operate a preplacement 37592
training program or continuing training program under section 37593
5103.034 of the Revised Code shall submit to the department of job 37594
and family services a proposal outlining the program. The proposal 37595
may be the same as, a modification of, or different from, a model 37596
design developed under section 5103.037 of the Revised Code. ~~The~~ 37597

~~proposal shall include a budget for the program regarding the cost 37598
associated with trainers, obtaining sites at which the training is 37599
provided, and the administration of the training. The budget shall 37600
be consistent with rules adopted under section 5103.0316 of the 37601
Revised Code governing the department of job and family services' 37602
reimbursement of public children services agencies, private child 37603
placing agencies, and private noncustodial agencies under section 37604
5103.0313 of the Revised Code. 37605~~

(B) Not later than thirty days after receiving a proposal 37606
under division (A) of this section, the department shall either 37607
approve or disapprove the proposed program. The department shall 37608
approve a proposed preplacement training program if it complies 37609
with section 5103.039 or 5103.0310 of the Revised Code, as 37610
appropriate, and, in the case of a proposal submitted by an agency 37611
operating a preplacement training program at the time the proposal 37612
is submitted, the department is satisfied with the agency's 37613
operation of the program. The department shall approve a proposed 37614
continuing training program if it complies with section 5103.0310 37615
or 5103.0311 of the Revised Code, as appropriate, and, in the case 37616
of a proposal submitted by an agency operating a continuing 37617
training program at the time the proposal is submitted, the 37618
department is satisfied with the agency's operation of the 37619
program. ~~The department shall disapprove a proposed program if the 37620
program's budget is not consistent with rules adopted under 37621
section 5103.0316 of the Revised Code governing the department's 37622
reimbursement of public children services agencies, private child 37623
placing agencies, and private noncustodial agencies under section 37624
5103.0313 of the Revised Code. If the department disapproves a 37625
proposal, it shall provide the reason for disapproval to the 37626
agency that submitted the proposal and advise the agency of how to 37627
revise the proposal so that the department can approve it. 37628~~

(C) The department's approval under division (B) of this 37629

section of a proposed preplacement training program or continuing 37630
training program is valid only for two years following the year 37631
the proposal for the program is submitted to the department under 37632
division (A) of this section. 37633

Sec. 5103.0312. A public children services agency, private 37634
child placing agency, or private noncustodial agency acting as a 37635
recommending agency for foster caregivers who hold certificates 37636
issued under section 5103.03 of the Revised Code shall pay those 37637
foster caregivers ~~who have had at least one foster child placed in~~ 37638
~~their home~~ a stipend to reimburse them for attending ~~training~~ 37639
~~courses provided by the Ohio child welfare training program or~~ 37640
~~pursuant to~~ a preplacement training program or continuing training 37641
program operated under section 5103.034 or 5153.60 of the Revised 37642
Code. The payment shall be based on a stipend rate established by 37643
the department of job and family services. The stipend rate shall 37644
be the same regardless of the type of recommending agency from 37645
which a foster caregiver seeks a recommendation. The department 37646
shall, pursuant to rules adopted under section 5103.0316 of the 37647
Revised Code, reimburse the recommending agency for stipend 37648
payments it makes in accordance with this section. 37649

Sec. 5103.0313. The department of job and family services 37650
shall ~~reimburse the following~~ compensate a private child placing 37651
agency or private noncustodial agency for the cost of ~~providing~~ 37652
procuring or operating preplacement and continuing training ~~to~~ 37653
~~foster caregivers:~~ 37654

~~(A) The Ohio child welfare training program;~~ 37655

~~(B) A public children services agency, private child placing~~ 37656
~~agency, or private noncustodial agency through a preplacement~~ 37657
~~training program or continuing training program operated~~ programs 37658
under section 5103.034 of the Revised Code for foster caregivers 37659

who are recommended for initial certification or recertification 37660
by the agency. 37661

The ~~reimbursement~~ compensation shall be ~~on a per diem basis~~ 37662
~~and limited to the cost associated with the trainer, obtaining a~~ 37663
~~site at which the training is provided, and the administration of~~ 37664
~~the training~~ paid to the agency in the form of an allowance for 37665
each hour of preplacement and continuing training provided or 37666
received. A reimbursement rate shall be the same regardless of 37667
~~whether the training program is operated by the Ohio child welfare~~ 37668
~~training program or a public children services agency, private~~ 37669
~~child placing agency, or private noncustodial agency.~~ 37670

Sec. 5103.0314. The department of job and family services 37671
shall not ~~reimburse~~ compensate a recommending agency for ~~the cost~~ 37672
~~of~~ any training the agency requires a foster caregiver to undergo 37673
as a condition of the agency recommending the department certify 37674
or recertify the foster caregiver's foster home under section 37675
5103.03 of the Revised Code if the training is in addition to the 37676
minimum training required by section 5103.031 or 5103.032 of the 37677
Revised Code. 37678

Sec. 5103.0315. The department of job and family services 37679
shall seek federal financial participation for the cost of making 37680
payments under section 5103.0312 of the Revised Code and 37681
~~reimbursements~~ allowances under section 5103.0313 of the Revised 37682
Code. The department shall notify the governor, president of the 37683
senate, minority leader of the senate, speaker of the house of 37684
representatives, and minority leader of the house of 37685
representatives of any proposed federal legislation that endangers 37686
the federal financial participation. 37687

Sec. 5103.0316. ~~Not later than ninety days after January 1,~~ 37688
~~2001,~~ the The department of job and family services shall adopt 37689

rules in accordance with Chapter 119. of the Revised Code as 37690
necessary for the efficient administration of sections 5103.031 to 37691
5103.0316 of the Revised Code. The rules shall provide for all of 37692
the following: 37693

(A) For the purpose of section 5103.038 of the Revised Code, 37694
the date by which a ~~public children services agency~~, private child 37695
placing agency, or private noncustodial agency that seeks to 37696
operate a preplacement training program or continuing training 37697
program under section 5103.034 of the Revised Code must submit to 37698
the department a proposal outlining the program; 37699

(B) Requirements governing the department's ~~reimbursement~~ 37700
~~compensation of the Ohio child welfare training program and public~~ 37701
~~children services agencies~~, private child placing agencies, and 37702
private noncustodial agencies under sections 5103.0312 and 37703
5103.0313 of the Revised Code; 37704

(C) Any other matter the department considers appropriate. 37705

Sec. 5103.154. (A) Information concerning all children who 37706
are, pursuant to section 2151.353 or 5103.15 of the Revised Code, 37707
in the permanent custody of an institution or association 37708
certified by the department of job and family services under 37709
section 5103.03 of the Revised Code shall be listed with the 37710
department within ninety days after permanent custody is 37711
effective, unless the child has been placed for adoption or unless 37712
an application for placement was initiated under section 5103.16 37713
of the Revised Code. 37714

(B) All persons who wish to adopt children, and are approved 37715
by an agency so empowered under this chapter, shall be listed with 37716
the department within ninety days of approval, unless a person 37717
requests in writing that that person's name not be so listed, or 37718
has had a child placed in that person's home in preparation for 37719
adoption, or has filed a petition for adoption. 37720

(C) All persons who wish to adopt a child with special needs 37721
as defined in rules adopted under section 5153.163 of the Revised 37722
Code, and who are approved by an agency so empowered under this 37723
chapter, shall be listed separately by the department within 37724
ninety days of approval, unless a person requests in writing that 37725
that person's name not be so listed, or has had a child with 37726
special needs placed in that person's home in preparation for 37727
adoption, or has filed a petition for adoption. 37728

(D) The department shall forward information on such children 37729
and listed persons at least quarterly, to all public children 37730
services agencies and all certified agencies. 37731

(E) The appropriate listed names shall be removed when a 37732
child is placed in an adoptive home or when a person withdraws an 37733
application for adoption. 37734

(F) No later than six months after the end of each fiscal 37735
year, the department shall compile a report of its conclusions 37736
regarding the effectiveness of its actions pursuant to this 37737
section and of the restrictions on placement under division ~~(E)~~(G) 37738
of section 5153.163 of the Revised Code in increasing adoptive 37739
placements of children with special needs, together with its 37740
recommendations, and shall submit a copy of the report to the 37741
chairpersons of the principal committees of the senate and the 37742
house of representatives who consider welfare legislation. 37743

Sec. 5103.155. As used in this section, "children with 37744
special needs" has the same meaning as in rules adopted under 37745
section 5153.163 of the Revised Code. 37746

If the department of job and family services determines that 37747
money in the putative father registry fund created under section 37748
2101.16 of the Revised Code is more than is needed to perform its 37749
duties related to the putative father registry, the department may 37750

use surplus moneys in the fund to promote adoption of children 37751
with special needs. 37752

Sec. 5104.01. As used in this chapter: 37753

(A) "Administrator" means the person responsible for the 37754
daily operation of a center or type A home. The administrator and 37755
the owner may be the same person. 37756

(B) "Approved child day camp" means a child day camp approved 37757
pursuant to section 5104.22 of the Revised Code. 37758

(C) "Authorized provider" means a person authorized by a 37759
county director of job and family services to operate a certified 37760
type B family day-care home. 37761

(D) "Border state child day-care provider" means a child 37762
day-care provider that is located in a state bordering Ohio and 37763
that is licensed, certified, or otherwise approved by that state 37764
to provide child day-care. 37765

(E) "Caretaker parent" means the father or mother of a child 37766
whose presence in the home is needed as the caretaker of the 37767
child, a person who has legal custody of a child and whose 37768
presence in the home is needed as the caretaker of the child, a 37769
guardian of a child whose presence in the home is needed as the 37770
caretaker of the child, and any other person who stands in loco 37771
parentis with respect to the child and whose presence in the home 37772
is needed as the caretaker of the child. 37773

(F) "Certified type B family day-care home" and "certified 37774
type B home" mean a type B family day-care home that is certified 37775
by the director of the county department of job and family 37776
services pursuant to section 5104.11 of the Revised Code to 37777
receive public funds for providing child day-care pursuant to this 37778
chapter and any rules adopted under it. 37779

(G) "Chartered nonpublic school" means a school that meets 37780

standards for nonpublic schools prescribed by the state board of 37781
education for nonpublic schools pursuant to section 3301.07 of the 37782
Revised Code. 37783

(H) "Child" includes an infant, toddler, preschool child, or 37784
school child. 37785

(I) "Child care block grant act" means the "Child Care and 37786
Development Block Grant Act of 1990," established in section 5082 37787
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 37788
1388-236 (1990), 42 U.S.C. 9858, as amended. 37789

(J) "Child day camp" means a program in which only school 37790
children attend or participate, that operates for no more than 37791
seven hours per day, that operates only during one or more public 37792
school district's regular vacation periods or for no more than 37793
fifteen weeks during the summer, and that operates outdoor 37794
activities for each child who attends or participates in the 37795
program for a minimum of fifty per cent of each day that children 37796
attend or participate in the program, except for any day when 37797
hazardous weather conditions prevent the program from operating 37798
outdoor activities for a minimum of fifty per cent of that day. 37799
For purposes of this division, the maximum seven hours of 37800
operation time does not include transportation time from a child's 37801
home to a child day camp and from a child day camp to a child's 37802
home. 37803

(K) "Child day-care" means administering to the needs of 37804
infants, toddlers, preschool children, and school children outside 37805
of school hours by persons other than their parents or guardians, 37806
custodians, or relatives by blood, marriage, or adoption for any 37807
part of the twenty-four-hour day in a place or residence other 37808
than a child's own home. 37809

(L) "Child day-care center" and "center" mean any place in 37810
which child day-care or publicly funded child day-care is provided 37811

for thirteen or more children at one time or any place that is not 37812
the permanent residence of the licensee or administrator in which 37813
child day-care or publicly funded child day-care is provided for 37814
seven to twelve children at one time. In counting children for the 37815
purposes of this division, any children under six years of age who 37816
are related to a licensee, administrator, or employee and who are 37817
on the premises of the center shall be counted. "Child day-care 37818
center" and "center" do not include any of the following: 37819

(1) A place located in and operated by a hospital, as defined 37820
in section 3727.01 of the Revised Code, in which the needs of 37821
children are administered to, if all the children whose needs are 37822
being administered to are monitored under the on-site supervision 37823
of a physician licensed under Chapter 4731. of the Revised Code or 37824
a registered nurse licensed under Chapter 4723. of the Revised 37825
Code, and the services are provided only for children who, in the 37826
opinion of the child's parent, guardian, or custodian, are 37827
exhibiting symptoms of a communicable disease or other illness or 37828
are injured; 37829

(2) A child day camp; 37830

(3) A place that provides child day-care, but not publicly 37831
funded child day-care, if all of the following apply: 37832

(a) An organized religious body provides the child day-care; 37833

(b) A parent, custodian, or guardian of at least one child 37834
receiving child day-care is on the premises and readily accessible 37835
at all times; 37836

(c) The child day-care is not provided for more than thirty 37837
days a year; 37838

(d) The child day-care is provided only for preschool and 37839
school children. 37840

(M) "Child day-care resource and referral service 37841

organization" means a community-based nonprofit organization that 37842
provides child day-care resource and referral services but not 37843
child day-care. 37844

(N) "Child day-care resource and referral services" means all 37845
of the following services: 37846

(1) Maintenance of a uniform data base of all child day-care 37847
providers in the community that are in compliance with this 37848
chapter, including current occupancy and vacancy data; 37849

(2) Provision of individualized consumer education to 37850
families seeking child day-care; 37851

(3) Provision of timely referrals of available child day-care 37852
providers to families seeking child day-care; 37853

(4) Recruitment of child day-care providers; 37854

(5) Assistance in the development, conduct, and dissemination 37855
of training for child day-care providers and provision of 37856
technical assistance to current and potential child day-care 37857
providers, employers, and the community; 37858

(6) Collection and analysis of data on the supply of and 37859
demand for child day-care in the community; 37860

(7) Technical assistance concerning locally, state, and 37861
federally funded child day-care and early childhood education 37862
programs; 37863

(8) Stimulation of employer involvement in making child 37864
day-care more affordable, more available, safer, and of higher 37865
quality for their employees and for the community; 37866

(9) Provision of written educational materials to caretaker 37867
parents and informational resources to child day-care providers; 37868

(10) Coordination of services among child day-care resource 37869
and referral service organizations to assist in developing and 37870
maintaining a statewide system of child day-care resource and 37871

referral services if required by the department of job and family services; 37872
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(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child day-care centers and parent cooperative type A family day-care homes. 37874
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(O) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties. 37878
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(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child day-care or publicly funded child day-care for children on a temporary, irregular basis. 37883
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(Q) "Employee" means a person who either: 37888

(1) Receives compensation for duties performed in a child day-care center or type A family day-care home; 37889
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(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home. 37891
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(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter. 37893
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(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 37897
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(T) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, or under ~~section~~ sections 3301.31 to 3301.37 of the Revised Code.

(U) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(V) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.

(W) "Infant" means a child who is less than eighteen months of age.

(X) "In-home aide" means a person certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child day-care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Y) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by

the director of job and family services considering building 37933
occupancy limits established by the department of commerce, number 37934
of available child-care staff members, amount of available indoor 37935
floor space and outdoor play space, and amount of available play 37936
equipment, materials, and supplies. 37937

(AA) "Licensed preschool program" or "licensed school child 37938
program" means a preschool program or school child program, as 37939
defined in section 3301.52 of the Revised Code, that is licensed 37940
by the department of education pursuant to sections 3301.52 to 37941
3301.59 of the Revised Code. 37942

(BB) "Licensee" means the owner of a child day-care center or 37943
type A family day-care home that is licensed pursuant to this 37944
chapter and who is responsible for ensuring its compliance with 37945
this chapter and rules adopted pursuant to this chapter. 37946

(CC) "Operate a child day camp" means to operate, establish, 37947
manage, conduct, or maintain a child day camp. 37948

(DD) "Owner" includes a person, as defined in section 1.59 of 37949
the Revised Code, or government entity. 37950

(EE) "Parent cooperative child day-care center," "parent 37951
cooperative center," "parent cooperative type A family day-care 37952
home," and "parent cooperative type A home" mean a corporation or 37953
association organized for providing educational services to the 37954
children of members of the corporation or association, without 37955
gain to the corporation or association as an entity, in which the 37956
services of the corporation or association are provided only to 37957
children of the members of the corporation or association, 37958
ownership and control of the corporation or association rests 37959
solely with the members of the corporation or association, and at 37960
least one parent-member of the corporation or association is on 37961
the premises of the center or type A home during its hours of 37962
operation. 37963

(FF) "Part-time child day-care center," "part-time center," 37964
"part-time type A family day-care home," and "part-time type A 37965
home" mean a center or type A home that provides child day-care or 37966
publicly funded child day-care for no more than four hours a day 37967
for any child. 37968

(GG) "Place of worship" means a building where activities of 37969
an organized religious group are conducted and includes the 37970
grounds and any other buildings on the grounds used for such 37971
activities. 37972

(HH) "Preschool child" means a child who is three years old 37973
or older but is not a school child. 37974

(II) "Protective day-care" means publicly funded child 37975
day-care for the direct care and protection of a child to whom 37976
either of the following applies: 37977

(1) A case plan prepared and maintained for the child 37978
pursuant to section 2151.412 of the Revised Code indicates a need 37979
for protective day-care and the child resides with a parent, 37980
stepparent, guardian, or another person who stands in loco 37981
parentis as defined in rules adopted under section 5104.38 of the 37982
Revised Code; 37983

(2) The child and the child's caretaker either temporarily 37984
reside in a facility providing emergency shelter for homeless 37985
families or are determined by the county department of job and 37986
family services to be homeless, and are otherwise ineligible for 37987
publicly funded child day-care. 37988

(JJ) "Publicly funded child day-care" means administering to 37989
the needs of infants, toddlers, preschool children, and school 37990
children under age thirteen during any part of the 37991
twenty-four-hour day by persons other than their caretaker parents 37992
for remuneration wholly or in part with federal or state funds, 37993
including funds available under the child care block grant act 37994

~~funds~~, Title IV-A, and Title XX, distributed by the department of 37995
job and family services. 37996

(KK) "Religious activities" means any of the following: 37997
worship or other religious services; religious instruction; Sunday 37998
school classes or other religious classes conducted during or 37999
prior to worship or other religious services; youth or adult 38000
fellowship activities; choir or other musical group practices or 38001
programs; meals; festivals; or meetings conducted by an organized 38002
religious group. 38003

(LL) "School child" means a child who is enrolled in or is 38004
eligible to be enrolled in a grade of kindergarten or above but is 38005
less than fifteen years old. 38006

(MM) "School child day-care center," "school child center," 38007
"school child type A family day-care home," and "school child type 38008
A family home" mean a center or type A home that provides child 38009
day-care for school children only and that does either or both of 38010
the following: 38011

(1) Operates only during that part of the day that 38012
immediately precedes or follows the public school day of the 38013
school district in which the center or type A home is located; 38014

(2) Operates only when the public schools in the school 38015
district in which the center or type A home is located are not 38016
open for instruction with pupils in attendance. 38017

(NN) "Special needs day-care" means publicly funded child 38018
day-care that is provided for a child who is physically or 38019
developmentally handicapped, mentally retarded, or mentally ill. 38020

(OO) "State median income" means the state median income 38021
calculated by the department of development pursuant to division 38022
(A)(1)(g) of section 5709.61 of the Revised Code. 38023

(PP) "Title IV-A" means Title IV-A of the "Social Security 38024

Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 38025

(OO) "Title XX" means Title XX of the "Social Security Act," 38026
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 38027

(RR) "Toddler" means a child who is at least eighteen months 38028
of age but less than three years of age. 38029

~~(OO)~~(SS) "Type A family day-care home" and "type A home" mean 38030
a permanent residence of the administrator in which child day-care 38031
or publicly funded child day-care is provided for seven to twelve 38032
children at one time or a permanent residence of the administrator 38033
in which child day-care is provided for four to twelve children at 38034
one time if four or more children at one time are under two years 38035
of age. In counting children for the purposes of this division, 38036
any children under six years of age who are related to a licensee, 38037
administrator, or employee and who are on the premises of the type 38038
A home shall be counted. "Type A family day-care home" does not 38039
include a residence in which the needs of children are 38040
administered to, if all of the children whose needs are being 38041
administered to are siblings of the same immediate family and the 38042
residence is the home of the siblings. "Type A family day-care 38043
home" and "type A home" do not include any child day camp. 38044

~~(RR)~~(TT) "Type B family day-care home" and "type B home" mean 38045
a permanent residence of the provider in which child day-care is 38046
provided for one to six children at one time and in which no more 38047
than three children are under two years of age at one time. In 38048
counting children for the purposes of this division, any children 38049
under six years of age who are related to the provider and who are 38050
on the premises of the type B home shall be counted. "Type B 38051
family day-care home" does not include a residence in which the 38052
needs of children are administered to, if all of the children 38053
whose needs are being administered to are siblings of the same 38054
immediate family and the residence is the home of the siblings. 38055
"Type B family day-care home" and "type B home" do not include any 38056

child day camp. 38057

Sec. 5104.011. (A) The director of job and family services 38058
shall adopt rules pursuant to Chapter 119. of the Revised Code 38059
governing the operation of child day-care centers, including, but 38060
not limited to, parent cooperative centers, part-time centers, 38061
drop-in centers, and school child centers, which rules shall 38062
reflect the various forms of child day-care and the needs of 38063
children receiving child day-care or publicly funded child 38064
day-care and, ~~no later than January 1, 1992,~~ shall include 38065
specific rules for school child day-care centers that are 38066
developed in consultation with the department of education. The 38067
rules shall not require an existing school facility that is in 38068
compliance with applicable building codes to undergo an additional 38069
building code inspection or to have structural modifications. The 38070
rules shall include the following: 38071

(1) Submission of a site plan and descriptive plan of 38072
operation to demonstrate how the center proposes to meet the 38073
requirements of this chapter and rules adopted pursuant to this 38074
chapter for the initial license application; 38075

(2) Standards for ensuring that the physical surroundings of 38076
the center are safe and sanitary including, but not limited to, 38077
the physical environment, the physical plant, and the equipment of 38078
the center; 38079

(3) Standards for the supervision, care, and discipline of 38080
children receiving child day-care or publicly funded child 38081
day-care in the center; 38082

(4) Standards for a program of activities, and for play 38083
equipment, materials, and supplies, to enhance the development of 38084
each child; however, any educational curricula, philosophies, and 38085
methodologies that are developmentally appropriate and that 38086
enhance the social, emotional, intellectual, and physical 38087

development of each child shall be permissible. As used in this 38088
division, "program" does not include instruction in religious or 38089
moral doctrines, beliefs, or values that is conducted at child 38090
day-care centers owned and operated by churches and does include 38091
methods of disciplining children at child day-care centers. 38092

(5) Admissions policies and procedures, health care policies 38093
and procedures, including, but not limited to, procedures for the 38094
isolation of children with communicable diseases, first aid and 38095
emergency procedures, procedures for discipline and supervision of 38096
children, standards for the provision of nutritious meals and 38097
snacks, and procedures for screening children and employees, 38098
including, but not limited to, any necessary physical examinations 38099
and immunizations; 38100

(6) Methods for encouraging parental participation in the 38101
center and methods for ensuring that the rights of children, 38102
parents, and employees are protected and that responsibilities of 38103
parents and employees are met; 38104

(7) Procedures for ensuring the safety and adequate 38105
supervision of children traveling off the premises of the center 38106
while under the care of a center employee; 38107

(8) Procedures for record keeping, organization, and 38108
administration; 38109

(9) Procedures for issuing, renewing, denying, and revoking a 38110
license that are not otherwise provided for in Chapter 119. of the 38111
Revised Code; 38112

(10) Inspection procedures; 38113

(11) Procedures and standards for setting initial and renewal 38114
license application fees; 38115

(12) Procedures for receiving, recording, and responding to 38116
complaints about centers; 38117

(13) Procedures for enforcing section 5104.04 of the Revised Code;	38118 38119
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	38120 38121 38122 38123 38124
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	38125 38126 38127 38128 38129 38130
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	38131 38132 38133 38134
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;	38135 38136 38137 38138
(18) Any other procedures and standards necessary to carry out this chapter.	38139 38140
(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child day-care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that	38141 38142 38143 38144 38145 38146 38147 38148

are not available for the care of children, as determined by the 38149
director, in meeting the space requirement of this division, and 38150
bathrooms shall be counted in determining square footage only if 38151
they are used exclusively by children enrolled in the center, 38152
except that the exclusion of hallways, kitchens, storage areas, 38153
bathrooms not used exclusively by children enrolled in the center, 38154
and any other areas not available for the care of children from 38155
the minimum of thirty-five square feet of usable indoor floor 38156
space shall not apply to: 38157

(a) Centers licensed prior to or on September 1, 1986, that 38158
continue under licensure after that date; 38159

(b) Centers licensed prior to or on September 1, 1986, that 38160
are issued a new license after that date solely due to a change of 38161
ownership of the center. 38162

(2) The child day-care center shall have on the site a safe 38163
outdoor play space which is enclosed by a fence or otherwise 38164
protected from traffic or other hazards. The play space shall 38165
contain not less than sixty square feet per child using such space 38166
at any one time, and shall provide an opportunity for supervised 38167
outdoor play each day in suitable weather. The director may exempt 38168
a center from the requirement of this division, if an outdoor play 38169
space is not available and if all of the following are met: 38170

(a) The center provides an indoor recreation area that has 38171
not less than sixty square feet per child using the space at any 38172
one time, that has a minimum of one thousand four hundred forty 38173
square feet of space, and that is separate from the indoor space 38174
required under division (B)(1) of this section. 38175

(b) The director has determined that there is regularly 38176
available and scheduled for use a conveniently accessible and safe 38177
park, playground, or similar outdoor play area for play or 38178
recreation. 38179

(c) The children are closely supervised during play and while traveling to and from the area. 38180
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The director also shall exempt from the requirement of this division a child day-care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children. 38182
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(3) The child day-care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size, by age category of children, are as follows: 38194
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	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			38204
(i) Less than twelve months old	5:1, or		38205
	12:2 if two		38206
			38207
			38208
			38209
			38210
			38211

	child-care		38212
	staff members		38213
	are in the room	12	38214
(ii) At least twelve			38215
months old, but			38216
less than eighteen			38217
months old	6:1	12	38218
(b) Toddlers:			38219
(i) At least eighteen			38220
months old, but			38221
less than thirty			38222
months old	7:1	14	38223
(ii) At least thirty months			38224
old, but less than			38225
three years old	8:1	16	38226
(c) Preschool			38227
children:			38228
(i) Three years old	12:1	24	38229
(ii) Four years old and			38230
five years old who			38231
are not school			38232
children	14:1	28	38233
(d) School children:			38234
(i) A child who is			38235
enrolled in or is			38236
eligible to be			38237
enrolled in a grade			38238
of kindergarten			38239
or above, but			38240
is less than			38241
eleven years old	18:1	36	38242
(ii) Eleven through fourteen			38243
years old	20:1	40	38244

Except as otherwise provided in division (E) of this section, 38245
the maximum number of children per child-care staff member and 38246
maximum group size requirements of the younger age group shall 38247
apply when age groups are combined. 38248

(4)(a) The child day-care center administrator shall show the 38249
director both of the following: 38250

(i) Evidence of at least high school graduation or 38251
certification of high school equivalency by the state board of 38252
education or the appropriate agency of another state; 38253

(ii) Evidence of having completed at least two years of 38254
training in an accredited college, university, or technical 38255
college, including courses in child development or early childhood 38256
education, or at least two years of experience in supervising and 38257
giving daily care to children attending an organized group 38258
program. 38259

(b) In addition to the requirements of division (B)(4)(a) of 38260
this section, any administrator employed or designated on or after 38261
September 1, 1986, shall show evidence of, and any administrator 38262
employed or designated prior to September 1, 1986, shall show 38263
evidence within six years after such date of, at least one of the 38264
following: 38265

(i) Two years of experience working as a child-care staff 38266
member in a center and at least four courses in child development 38267
or early childhood education from an accredited college, 38268
university, or technical college, except that a person who has two 38269
years of experience working as a child-care staff member in a 38270
particular center and who has been promoted to or designated as 38271
administrator of that center shall have one year from the time the 38272
person was promoted to or designated as administrator to complete 38273
the required four courses; 38274

(ii) Two years of training, including at least four courses 38275

in child development or early childhood education from an 38276
accredited college, university, or technical college; 38277

(iii) A child development associate credential issued by the 38278
national child development associate credentialing commission; 38279

(iv) An associate or higher degree in child development or 38280
early childhood education from an accredited college, technical 38281
college, or university, or a license designated for teaching in an 38282
associate teaching position in a preschool setting issued by the 38283
state board of education. 38284

(5) All child-care staff members of a child day-care center 38285
shall be at least eighteen years of age, and shall furnish the 38286
director evidence of at least high school graduation or 38287
certification of high school equivalency by the state board of 38288
education or the appropriate agency of another state or evidence 38289
of completion of a training program approved by the department of 38290
job and family services or state board of education, except as 38291
follows: 38292

(a) A child-care staff member may be less than eighteen years 38293
of age if the staff member is either of the following: 38294

(i) A graduate of a two-year vocational child-care training 38295
program approved by the state board of education; 38296

(ii) A student enrolled in the second year of a vocational 38297
child-care training program approved by the state board of 38298
education which leads to high school graduation, provided that the 38299
student performs the student's duties in the child day-care center 38300
under the continuous supervision of an experienced child-care 38301
staff member, receives periodic supervision from the vocational 38302
child-care training program teacher-coordinator in the student's 38303
high school, and meets all other requirements of this chapter and 38304
rules adopted pursuant to this chapter. 38305

(b) A child-care staff member shall be exempt from the 38306

educational requirements of this division if the staff member: 38307

(i) Prior to January 1, 1972, was employed or designated by a 38308
child day-care center and has been continuously employed since 38309
either by the same child day-care center employer or at the same 38310
child day-care center; or 38311

(ii) Is a student enrolled in the second year of a vocational 38312
child-care training program approved by the state board of 38313
education which leads to high school graduation, provided that the 38314
student performs the student's duties in the child day-care center 38315
under the continuous supervision of an experienced child-care 38316
staff member, receives periodic supervision from the vocational 38317
child-care training program teacher-coordinator in the student's 38318
high school, and meets all other requirements of this chapter and 38319
rules adopted pursuant to this chapter. 38320

(6) Every child day-care staff member of a child day-care 38321
center annually shall complete fifteen hours of inservice training 38322
in child development or early childhood education, child abuse 38323
recognition and prevention, first aid, and in prevention, 38324
recognition, and management of communicable diseases, until a 38325
total of forty-five hours of training has been completed, unless 38326
the staff member furnishes one of the following to the director: 38327

(a) Evidence of an associate or higher degree in child 38328
development or early childhood education from an accredited 38329
college, university, or technical college; 38330

(b) A license designated for teaching in an associate 38331
teaching position in a preschool setting issued by the state board 38332
of education; 38333

(c) Evidence of a child development associate credential; 38334

(d) Evidence of a preprimary credential from the American 38335
Montessori society or the association Montessori international. 38336
For the purposes of division (B)(6) of this section, "hour" means 38337

sixty minutes. 38338

(7) The administrator of each child day-care center shall 38339
prepare at least once annually and for each group of children at 38340
the center a roster of names and telephone numbers of parents, 38341
custodians, or guardians of each group of children attending the 38342
center and upon request shall furnish the roster for each group to 38343
the parents, custodians, or guardians of the children in that 38344
group. The administrator may prepare a roster of names and 38345
telephone numbers of all parents, custodians, or guardians of 38346
children attending the center and upon request shall furnish the 38347
roster to the parents, custodians, or guardians of the children 38348
who attend the center. The administrator shall not include in any 38349
roster the name or telephone number of any parent, custodian, or 38350
guardian who requests the administrator not to include the 38351
parent's, custodian's, or guardian's name or number and shall not 38352
furnish any roster to any person other than a parent, custodian, 38353
or guardian of a child who attends the center. 38354

(C)(1) Each child day-care center shall have on the center 38355
premises and readily available at all times at least one 38356
child-care staff member who has completed a course in first aid 38357
and in prevention, recognition, and management of communicable 38358
diseases which is approved by the state department of health and a 38359
staff member who has completed a course in child abuse recognition 38360
and prevention training which is approved by the department of job 38361
and family services. 38362

(2) The administrator of each child day-care center shall 38363
maintain enrollment, health, and attendance records for all 38364
children attending the center and health and employment records 38365
for all center employees. The records shall be confidential, 38366
except as otherwise provided in division (B)(7) of this section 38367
and except that they shall be disclosed by the administrator to 38368
the director upon request for the purpose of administering and 38369

enforcing this chapter and rules adopted pursuant to this chapter. 38370
Neither the center nor the licensee, administrator, or employees 38371
of the center shall be civilly or criminally liable in damages or 38372
otherwise for records disclosed to the director by the 38373
administrator pursuant to this division. It shall be a defense to 38374
any civil or criminal charge based upon records disclosed by the 38375
administrator to the director that the records were disclosed 38376
pursuant to this division. 38377

(3)(a) Any parent who is the residential parent and legal 38378
custodian of a child enrolled in a child day-care center and any 38379
custodian or guardian of such a child shall be permitted unlimited 38380
access to the center during its hours of operation for the 38381
purposes of contacting their children, evaluating the care 38382
provided by the center, evaluating the premises of the center, or 38383
for other purposes approved by the director. A parent of a child 38384
enrolled in a child day-care center who is not the child's 38385
residential parent shall be permitted unlimited access to the 38386
center during its hours of operation for those purposes under the 38387
same terms and conditions under which the residential parent of 38388
that child is permitted access to the center for those purposes. 38389
However, the access of the parent who is not the residential 38390
parent is subject to any agreement between the parents and, to the 38391
extent described in division (C)(3)(b) of this section, is subject 38392
to any terms and conditions limiting the right of access of the 38393
parent who is not the residential parent, as described in division 38394
(I) of section 3109.051 of the Revised Code, that are contained in 38395
a parenting time order or decree issued under that section, 38396
section 3109.12 of the Revised Code, or any other provision of the 38397
Revised Code. 38398

(b) If a parent who is the residential parent of a child has 38399
presented the administrator or the administrator's designee with a 38400
copy of a parenting time order that limits the terms and 38401

conditions under which the parent who is not the residential 38402
parent is to have access to the center, as described in division 38403
(I) of section 3109.051 of the Revised Code, the parent who is not 38404
the residential parent shall be provided access to the center only 38405
to the extent authorized in the order. If the residential parent 38406
has presented such an order, the parent who is not the residential 38407
parent shall be permitted access to the center only in accordance 38408
with the most recent order that has been presented to the 38409
administrator or the administrator's designee by the residential 38410
parent or the parent who is not the residential parent. 38411

(c) Upon entering the premises pursuant to division (C)(3)(a) 38412
or (b) of this section, the parent who is the residential parent 38413
and legal custodian, the parent who is not the residential parent, 38414
or the custodian or guardian shall notify the administrator or the 38415
administrator's designee of the parent's, custodian's, or 38416
guardian's presence. 38417

(D) The director of job and family services, in addition to 38418
the rules adopted under division (A) of this section, shall adopt 38419
rules establishing minimum requirements for child day-care 38420
centers. The rules shall include, but not be limited to, the 38421
requirements set forth in divisions (B) and (C) of this section. 38422
Except as provided in section 5104.07 of the Revised Code, the 38423
rules shall not change the square footage requirements of division 38424
(B)(1) or (2) of this section; the maximum number of children per 38425
child-care staff member and maximum group size requirements of 38426
division (B)(3) of this section; the educational and experience 38427
requirements of division (B)(4) of this section; the age, 38428
educational, and experience requirements of division (B)(5) of 38429
this section; the number of inservice training hours required 38430
under division (B)(6) of this section; or the requirement for at 38431
least annual preparation of a roster for each group of children of 38432
names and telephone numbers of parents, custodians, or guardians 38433

of each group of children attending the center that must be 38434
furnished upon request to any parent, custodian, or guardian of 38435
any child in that group required under division (B)(7) of this 38436
section; however, the rules shall provide procedures for 38437
determining compliance with those requirements. 38438

(E)(1) When age groups are combined, the maximum number of 38439
children per child-care staff member shall be determined by the 38440
age of the youngest child in the group, except that when no more 38441
than one child thirty months of age or older receives services in 38442
a group in which all the other children are in the next older age 38443
group, the maximum number of children per child-care staff member 38444
and maximum group size requirements of the older age group 38445
established under division (B)(3) of this section shall apply. 38446

(2) The maximum number of toddlers or preschool children per 38447
child-care staff member in a room where children are napping shall 38448
be twice the maximum number of children per child-care staff 38449
member established under division (B)(3) of this section if all 38450
the following criteria are met: 38451

(a) At least one child-care staff member is present in the 38452
room. 38453

(b) Sufficient child-care staff members are on the child 38454
day-care center premises to meet the maximum number of children 38455
per child-care staff member requirements established under 38456
division (B)(3) of this section. 38457

(c) Naptime preparations are complete and all napping 38458
children are resting or sleeping on cots. 38459

(d) The maximum number established under division (E)(2) of 38460
this section is in effect for no more than one and one-half hours 38461
during a twenty-four-hour day. 38462

(F) The director of job and family services shall adopt rules 38463
pursuant to Chapter 119. of the Revised Code governing the 38464

operation of type A family day-care homes, including, but not 38465
limited to, parent cooperative type A homes, part-time type A 38466
homes, drop-in type A homes, and school child type A homes, which 38467
shall reflect the various forms of child day-care and the needs of 38468
children receiving child day-care. The rules shall include the 38469
following: 38470

(1) Submission of a site plan and descriptive plan of 38471
operation to demonstrate how the type A home proposes to meet the 38472
requirements of this chapter and rules adopted pursuant to this 38473
chapter for the initial license application; 38474

(2) Standards for ensuring that the physical surroundings of 38475
the type A home are safe and sanitary, including, but not limited 38476
to, the physical environment, the physical plant, and the 38477
equipment of the type A home; 38478

(3) Standards for the supervision, care, and discipline of 38479
children receiving child day-care or publicly funded child 38480
day-care in the type A home; 38481

(4) Standards for a program of activities, and for play 38482
equipment, materials, and supplies, to enhance the development of 38483
each child; however, any educational curricula, philosophies, and 38484
methodologies that are developmentally appropriate and that 38485
enhance the social, emotional, intellectual, and physical 38486
development of each child shall be permissible; 38487

(5) Admissions policies and procedures, health care policies 38488
and procedures, including, but not limited to, procedures for the 38489
isolation of children with communicable diseases, first aid and 38490
emergency procedures, procedures for discipline and supervision of 38491
children, standards for the provision of nutritious meals and 38492
snacks, and procedures for screening children and employees, 38493
including, but not limited to, any necessary physical examinations 38494
and immunizations; 38495

(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	38496 38497 38498 38499
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	38500 38501 38502
(8) Procedures for record keeping, organization, and administration;	38503 38504
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	38505 38506 38507
(10) Inspection procedures;	38508
(11) Procedures and standards for setting initial and renewal license application fees;	38509 38510
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	38511 38512
(13) Procedures for enforcing section 5104.04 of the Revised Code;	38513 38514
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	38515 38516 38517 38518 38519 38520
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	38521 38522 38523 38524
(16) Procedures to be used by licensees for checking the	38525

references of potential employees of type A homes and procedures	38526
to be used by the director for checking the references of	38527
applicants for licenses to operate type A homes;	38528
(17) Standards providing for the special needs of children	38529
who are handicapped or who require treatment for health conditions	38530
while the child is receiving child day-care or publicly funded	38531
child day-care in the type A home;	38532
(18) Standards for the maximum number of children per	38533
child-care staff member;	38534
(19) Requirements for the amount of usable indoor floor space	38535
for each child;	38536
(20) Requirements for safe outdoor play space;	38537
(21) Qualifications and training requirements for	38538
administrators and for child-care staff members;	38539
(22) Procedures for granting a parent who is the residential	38540
parent and legal custodian, or a custodian or guardian access to	38541
the type A home during its hours of operation;	38542
(23) Standards for the preparation and distribution of a	38543
roster of parents, custodians, and guardians;	38544
(24) Any other procedures and standards necessary to carry	38545
out this chapter.	38546
(G) The director of job and family services shall adopt rules	38547
pursuant to Chapter 119. of the Revised Code governing the	38548
certification of type B family day-care homes.	38549
(1) The rules shall include procedures, standards, and other	38550
necessary provisions for granting limited certification to type B	38551
family day-care homes that are operated by the following adult	38552
providers:	38553
(a) Persons who provide child day-care for eligible children	38554
who are great-grandchildren, grandchildren, nieces, nephews, or	38555

siblings of the provider or for eligible children whose caretaker
parent is a grandchild, child, niece, nephew, or sibling of the
provider;

(b) Persons who provide child day-care for eligible children
all of whom are the children of the same caretaker parent.

The rules shall require, and shall include procedures for the
director to ensure, that type B family day-care homes that receive
a limited certification provide child day-care to children in a
safe and sanitary manner. With regard to providers who apply for
limited certification, a provider shall be granted a provisional
limited certification on signing a declaration under oath
attesting that the provider meets the standards for limited
certification. Such provisional limited certifications shall
remain in effect for no more than sixty calendar days and shall
entitle the provider to offer publicly funded child day-care
during the provisional period. Except as otherwise provided in
division (G)(1) of this section, prior to the expiration of the
provisional limited certificate, a county department of job and
family services shall inspect the home and shall grant limited
certification to the provider if the provider meets the
requirements of this division. Limited certificates remain valid
for two years unless earlier revoked. Except as otherwise provided
in division (G)(1) of this section, providers operating under
limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a) of
this section or a person described in division (G)(1)(b) of this
section who is a friend of the caretaker parent, the provider and
the caretaker parent may verify in writing to the county
department of job and family services that minimum health and
safety requirements are being met in the home. If such
verification is provided, the county shall waive any inspection
and any criminal records check required by this chapter and grant

limited certification to the provider. 38588

(2) The rules shall provide for safeguarding the health, 38589
safety, and welfare of children receiving child day-care or 38590
publicly funded child day-care in a certified type B home and 38591
shall include the following: 38592

(a) Standards for ensuring that the type B home and the 38593
physical surroundings of the type B home are safe and sanitary, 38594
including, but not limited to, physical environment, physical 38595
plant, and equipment; 38596

(b) Standards for the supervision, care, and discipline of 38597
children receiving child day-care or publicly funded child 38598
day-care in the home; 38599

(c) Standards for a program of activities, and for play 38600
equipment, materials, and supplies to enhance the development of 38601
each child; however, any educational curricula, philosophies, and 38602
methodologies that are developmentally appropriate and that 38603
enhance the social, emotional, intellectual, and physical 38604
development of each child shall be permissible; 38605

(d) Admission policies and procedures, health care, first aid 38606
and emergency procedures, procedures for the care of sick 38607
children, procedures for discipline and supervision of children, 38608
nutritional standards, and procedures for screening children and 38609
authorized providers, including, but not limited to, any necessary 38610
physical examinations and immunizations; 38611

(e) Methods of encouraging parental participation and 38612
ensuring that the rights of children, parents, and authorized 38613
providers are protected and the responsibilities of parents and 38614
authorized providers are met; 38615

(f) Standards for the safe transport of children when under 38616
the care of authorized providers; 38617

(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	38618 38619
(h) Procedures for the inspection of type B family day-care homes that require, at a minimum, that each type B family day-care home be inspected prior to certification to ensure that the home is safe and sanitary;	38620 38621 38622 38623
(i) Procedures for record keeping and evaluation;	38624
(j) Procedures for receiving, recording, and responding to complaints;	38625 38626
(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type B home;	38627 38628 38629 38630
(l) Requirements for the amount of usable indoor floor space for each child;	38631 38632
(m) Requirements for safe outdoor play space;	38633
(n) Qualification and training requirements for authorized providers;	38634 38635
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	38636 38637 38638
(p) Any other procedures and standards necessary to carry out this chapter.	38639 38640
(H) The director shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker	38641 38642 38643 38644 38645 38646 38647

parent is a grandchild, child, niece, nephew, or sibling of the 38648
in-home aide. The rules shall require, and shall include 38649
procedures for the director to ensure, that in-home aides that 38650
receive a limited certification provide child day-care to children 38651
in a safe and sanitary manner. The rules shall provide for 38652
safeguarding the health, safety, and welfare of children receiving 38653
publicly funded child day-care in their own home and shall include 38654
the following: 38655

(1) Standards for ensuring that the child's home and the 38656
physical surroundings of the child's home are safe and sanitary, 38657
including, but not limited to, physical environment, physical 38658
plant, and equipment; 38659

(2) Standards for the supervision, care, and discipline of 38660
children receiving publicly funded child day-care in their own 38661
home; 38662

(3) Standards for a program of activities, and for play 38663
equipment, materials, and supplies to enhance the development of 38664
each child; however, any educational curricula, philosophies, and 38665
methodologies that are developmentally appropriate and that 38666
enhance the social, emotional, intellectual, and physical 38667
development of each child shall be permissible; 38668

(4) Health care, first aid, and emergency procedures, 38669
procedures for the care of sick children, procedures for 38670
discipline and supervision of children, nutritional standards, and 38671
procedures for screening children and in-home aides, including, 38672
but not limited to, any necessary physical examinations and 38673
immunizations; 38674

(5) Methods of encouraging parental participation and 38675
ensuring that the rights of children, parents, and in-home aides 38676
are protected and the responsibilities of parents and in-home 38677
aides are met; 38678

(6) Standards for the safe transport of children when under the care of in-home aides;	38679 38680
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	38681 38682
(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;	38683 38684
(9) Procedures for record keeping and evaluation;	38685
(10) Procedures for receiving, recording, and responding to complaints;	38686 38687
(11) Qualifications and training requirements for in-home aides;	38688 38689
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;	38690 38691 38692 38693
(13) Any other procedures and standards necessary to carry out this chapter.	38694 38695
(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.	38696 38697 38698 38699 38700
(J)(1) The director of job and family services shall send <u>do all of the following:</u>	38701 38702
<u>(a) Send to each licensee notice of proposed rules to each licensee and each county director of job and family services and shall give governing the licensure of child day-care centers and type A homes;</u>	38703 38704 38705 38706
<u>(b) Give</u> public notice of hearings regarding the rules to	38707

each licensee ~~and each county director of job and family services~~ 38708
at least thirty days prior to the date of the public hearing, in 38709
accordance with section 119.03 of the Revised Code-; 38710

(c) Prior to the effective date of a rule, ~~the director of~~ 38711
job and family services shall provide copies, in either paper or 38712
electronic form, a copy of the adopted rule to each licensee ~~and~~ 38713
~~each county director of job and family services.~~ 38714

(2) The director shall do all of the following: 38715

(a) Send to each county director of job and family services a 38716
notice of proposed rules governing the certification of type B 38717
family homes and in-home aides that includes an internet web site 38718
address where the proposed rules can be viewed; 38719

(b) Give public notice of hearings regarding the proposed 38720
rules not less than thirty days in advance; 38721

(c) Provide to each county director of job and family 38722
services an electronic copy of each adopted rule prior to the 38723
rule's effective date. 38724

(3) The county director of job and family services shall send 38725
copies of proposed rules to each authorized provider and in-home 38726
aide and shall give public notice of hearings regarding the rules 38727
to each authorized provider and in-home aide at least thirty days 38728
prior to the date of the public hearing, in accordance with 38729
section 119.03 of the Revised Code. Prior to the effective date of 38730
a rule, the county director of job and family services shall 38731
provide copies of the adopted rule to each authorized provider and 38732
in-home aide. 38733

(4) Additional copies of proposed and adopted rules shall be 38734
made available by the director of job and family services to the 38735
public on request at no charge. 38736

(K) The director of job and family services shall review all 38737

rules adopted pursuant to this chapter at least once every seven 38738
years. 38739

(L) Notwithstanding any provision of the Revised Code, the 38740
director of job and family services shall not regulate in any way 38741
under this chapter or rules adopted pursuant to this chapter, 38742
instruction in religious or moral doctrines, beliefs, or values. 38743

Sec. 5104.02. (A) The director of job and family services is 38744
responsible for the licensing of child day-care centers and type A 38745
family day-care homes, and for the enforcement of this chapter and 38746
of rules promulgated pursuant to this chapter. No person, firm, 38747
organization, institution, or agency shall operate, establish, 38748
manage, conduct, or maintain a child day-care center or type A 38749
family day-care home without a license issued under section 38750
5104.03 of the Revised Code. The current license shall be posted 38751
in a conspicuous place in the center or type A home that is 38752
accessible to parents, custodians, or guardians and employees of 38753
the center or type A home at all times when the center or type A 38754
home is in operation. 38755

(B) A person, firm, institution, organization, or agency 38756
operating any of the following programs is exempt from the 38757
requirements of this chapter: 38758

(1) A program of child day-care that operates for two or less 38759
consecutive weeks; 38760

(2) Child day-care in places of worship during religious 38761
activities during which children are cared for while at least one 38762
parent, guardian, or custodian of each child is participating in 38763
such activities and is readily available; 38764

(3) Religious activities which do not provide child day-care; 38765

(4) Supervised training, instruction, or activities of 38766
children in specific areas, including, but not limited to: art; 38767

drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;

(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child day-care and is readily accessible at all times, except that child day-care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;

(6)(a) Programs that provide child day-care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.

Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child day-care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time;

(iii) The number of adults providing child day-care for the number of infants, toddlers, preschool children, or school children;

(iv) Any changes in the rules made subsequent to the time

when the rules were initially submitted to the director. 38799

The director shall maintain a record of the child day-care 38800
information submitted by other state departments and shall provide 38801
this information upon request to the general assembly or the 38802
public. 38803

(b) Child day-care programs conducted by boards of education 38804
or by chartered nonpublic schools that are conducted in school 38805
buildings and that provide child day-care to school children only 38806
shall be exempt from meeting or exceeding rules promulgated 38807
pursuant to this chapter. 38808

(7) Any preschool program or school child program, except a 38809
head start program, that is subject to licensure by the department 38810
of education under sections 3301.52 to 3301.59 of the Revised 38811
Code. 38812

(8) Any program providing child day-care that meets all of 38813
the following requirements and, on October 20, 1987, was being 38814
operated by a nonpublic school that holds a charter issued by the 38815
state board of education for kindergarten only: 38816

(a) The nonpublic school has given the notice to the state 38817
board and the director of job and family services required by 38818
Section 4 of Substitute House Bill No. 253 of the 117th general 38819
assembly; 38820

(b) The nonpublic school continues to be chartered by the 38821
state board for kindergarten, or receives and continues to hold a 38822
charter from the state board for kindergarten through grade five; 38823

(c) The program is conducted in a school building; 38824

(d) The program is operated in accordance with rules 38825
promulgated by the state board under sections 3301.52 to 3301.57 38826
of the Revised Code. 38827

(9) A youth development program operated outside of school 38828

hours by a community-based center to which all of the following 38829
apply: 38830

(a) The children enrolled in the program are under nineteen 38831
years of age and enrolled in or eligible to be enrolled in a grade 38832
of kindergarten or above. 38833

(b) The program provides informal child care and at least two 38834
of the following supervised activities: educational, recreational, 38835
culturally enriching, social, and personal development activities. 38836

(c) The state board of education has approved the program's 38837
participation in the child and adult care food program as an 38838
outside-school-hours care center pursuant to standards established 38839
under section 3313.813 of the Revised Code. 38840

(d) The community-based center operating the program is 38841
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 38842
and (c)(3). 38843

Sec. 5104.04. (A) The department of job and family services 38844
shall establish procedures to be followed in investigating, 38845
inspecting, and licensing child day-care centers and type A family 38846
day-care homes. 38847

(B)(1) The department shall, at least twice during every 38848
twelve-month period of operation of a center or type A home, 38849
inspect the center or type A home. The department shall inspect a 38850
part-time center or part-time type A home at least once during 38851
every twelve-month period of operation. The department shall 38852
provide a written inspection report to the licensee within a 38853
reasonable time after each inspection. The licensee shall display 38854
all written reports of inspections conducted during the current 38855
licensing period in a conspicuous place in the center or type A 38856
home. 38857

At least one inspection shall be unannounced and all 38858

inspections may be unannounced. No person, firm, organization, 38859
institution, or agency shall interfere with the inspection of a 38860
center or type A home by any state or local official engaged in 38861
performing duties required of the state or local official by 38862
Chapter 5104. of the Revised Code or rules adopted pursuant to 38863
Chapter 5104. of the Revised Code, including inspecting the center 38864
or type A home, reviewing records, or interviewing licensees, 38865
employees, children, or parents. 38866

Upon receipt of any complaint that a center or type A home is 38867
out of compliance with the requirements of Chapter 5104. of the 38868
Revised Code or rules adopted pursuant to Chapter 5104. of the 38869
Revised Code, the department shall investigate and may inspect a 38870
center or type A home. 38871

(2) If the department implements an instrument-based program 38872
monitoring information system, it may use an indicator checklist 38873
to comply with division (B)(1) of this section. 38874

(3) The department shall, at least once during every 38875
twelve-month period of operation of a center or type A home, 38876
collect information concerning the amounts charged by the center 38877
or home for providing child day-care services for use in 38878
establishing rates of reimbursement and payment pursuant to 38879
section 5104.30 of the Revised Code. 38880

(C) In the event a licensed center or type A home is 38881
determined to be out of compliance with the requirements of 38882
Chapter 5104. of the Revised Code or rules adopted pursuant to 38883
Chapter 5104. of the Revised Code, the department shall notify the 38884
licensee of the center or type A home in writing regarding the 38885
nature of the violation, what must be done to correct the 38886
violation, and by what date the correction must be made. If the 38887
correction is not made by the date established by the department, 38888
the department may commence action under Chapter 119. of the 38889
Revised Code to revoke the license. 38890

(D) The department may deny or revoke a license, or refuse to 38891
renew a license of a center or type A home, if the applicant 38892
knowingly makes a false statement on the application, does not 38893
comply with the requirements of Chapter 5104. or rules adopted 38894
pursuant to Chapter 5104. of the Revised Code, or has pleaded 38895
guilty to or been convicted of an offense described in section 38896
5104.09 of the Revised Code. 38897

(E) If the department finds, after notice and hearing 38898
pursuant to Chapter 119. of the Revised Code, that any person, 38899
firm, organization, institution, or agency licensed under section 38900
5104.03 of the Revised Code is in violation of any provision of 38901
Chapter 5104. of the Revised Code or rules adopted pursuant to 38902
Chapter 5104. of the Revised Code, the department may issue an 38903
order of revocation to the center or type A home revoking the 38904
license previously issued by the department. Upon the issuance of 38905
any order of revocation, the person whose license is revoked may 38906
appeal in accordance with section 119.12 of the Revised Code. 38907

(F) The surrender of a center or type A home license to the 38908
department or the withdrawal of an application for licensure by 38909
the owner or administrator of the center or type A home shall not 38910
prohibit the department from instituting any of the actions set 38911
forth in this section. 38912

(G) Whenever the department receives a complaint, is advised, 38913
or otherwise has any reason to believe that a center or type A 38914
home is providing child day-care without a license issued or 38915
renewed pursuant to section 5104.03 and is not exempt from 38916
licensing pursuant to section 5104.02 of the Revised Code, the 38917
department shall investigate the center or type A home and may 38918
inspect the areas children have access to or areas necessary for 38919
the care of children in the center or type A home during suspected 38920
hours of operation to determine whether the center or type A home 38921
is subject to the requirements of Chapter 5104. or rules adopted 38922

pursuant to Chapter 5104. of the Revised Code. 38923

(H) The department, upon determining that the center or type 38924
A home is operating without a license, shall notify the attorney 38925
general, the prosecuting attorney of the county in which the 38926
center or type A home is located, or the city attorney, village 38927
solicitor, or other chief legal officer of the municipal 38928
corporation in which the center or type A home is located, that 38929
the center or type A home is operating without a license. Upon 38930
receipt of the notification, the attorney general, prosecuting 38931
attorney, city attorney, village solicitor, or other chief legal 38932
officer of a municipal corporation shall file a complaint in the 38933
court of common pleas of the county in which the center or type A 38934
home is located requesting that the court grant an order enjoining 38935
the owner from operating the center or type A home. The court 38936
shall grant such injunctive relief upon a showing that the 38937
respondent named in the complaint is operating a center or type A 38938
home and is doing so without a license. 38939

(I) The department shall prepare an annual report on 38940
inspections conducted under this section. The report shall include 38941
the number of inspections conducted, the number and types of 38942
violations found, and the steps taken to address the violations. 38943
The department shall file the report with the governor, the 38944
president and minority leader of the senate, and the speaker and 38945
minority leader of the house of representatives on or before the 38946
first day of January of each year, beginning in 1999. 38947

Sec. 5104.30. (A) The department of job and family services 38948
is hereby designated as the state agency responsible for 38949
administration and coordination of federal and state funding for 38950
publicly funded child day-care in this state. Publicly funded 38951
child day-care shall be provided to the following: 38952

(1) Recipients of transitional child day-care as provided 38953

under section 5104.34 of the Revised Code;	38954
(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;	38955 38956
(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;	38957 38958 38959 38960 38961
(4) A family receiving publicly funded child day-care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;	38962 38963 38964
(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.	38965 38966 38967
The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child day-care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child day-care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child day-care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child day-care.	38968 38969 38970 38971 38972 38973 38974 38975 38976 38977 38978
(B) The department of job and family services shall distribute state and federal funds for publicly funded child day-care, including appropriations of state funds for publicly funded child day-care and appropriations of federal funds for publicly funded child day-care <u>available</u> under Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as	38979 38980 38981 38982 38983 38984

~~amended, and the child care block grant act, Title IV-A, and Title~~ 38985
~~XX.~~ The department may use any state funds appropriated for 38986
publicly funded child day-care as the state share required to 38987
match any federal funds appropriated for publicly funded child 38988
day-care. 38989

(C) The department may use federal funds available under the 38990
child care block grant act to provide payments to head start 38991
programs in advance of their provision of publicly funded child 38992
day-care. 38993

The department may use federal funds available under the 38994
child care block grant act to hire staff to prepare any rules 38995
required under this chapter and to administer and coordinate 38996
federal and state funding for publicly funded child day-care. 38997

Not more than five per cent of the aggregate amount of those 38998
federal funds received for a fiscal year may be expended for 38999
administrative costs. The department shall allocate and use at 39000
least four per cent of the federal funds for the following: 39001

(1) Activities designed to provide comprehensive consumer 39002
education to parents and the public; 39003

(2) Activities that increase parental choice; 39004

(3) Activities, including child day-care resource and 39005
referral services, designed to improve the quality, and increase 39006
the supply, of child day-care. 39007

(D) The department shall ensure that any federal funds 39008
received by the state under the child care block grant act will be 39009
used only to supplement, and will not be used to supplant, 39010
federal, state, and local funds available on the effective date of 39011
that act for publicly funded child day-care and related programs. 39012
A county department of job and family services may purchase child 39013
day-care from funds obtained through any other means. 39014

(E) The department shall encourage the development of 39015
suitable child day-care throughout the state, especially in areas 39016
with high concentrations of recipients of public assistance and 39017
families with low incomes. The department shall encourage the 39018
development of suitable child day-care designed to accommodate the 39019
special needs of migrant workers. On request, the department, 39020
through its employees or contracts with state or community child 39021
day-care resource and referral service organizations, shall 39022
provide consultation to groups and individuals interested in 39023
developing child day-care. The department of job and family 39024
services may enter into interagency agreements with the department 39025
of education, the board of regents, the department of development, 39026
and other state agencies and entities whenever the cooperative 39027
efforts of the other state agencies and entities are necessary for 39028
the department of job and family services to fulfill its duties 39029
and responsibilities under this chapter. 39030

The department may develop and maintain a registry of persons 39031
providing child day-care. The director may adopt rules pursuant to 39032
Chapter 119. of the Revised Code establishing procedures and 39033
requirements for the registry's administration. 39034

(F) The director shall adopt rules in accordance with Chapter 39035
119. of the Revised Code establishing a procedure for determining 39036
rates of reimbursement and payment and a procedure for reimbursing 39037
and paying providers of publicly funded child day-care. In 39038
establishing the ~~the rates of reimbursement pursuant to this division,~~ 39039
the director shall use the information obtained under division 39040
(B)(3) of section 5104.04 of the Revised Code and may establish 39041
different rates ~~of reimbursement~~ based on the geographic location 39042
of the provider, type of care provided, age of the child served, 39043
special needs of the child, whether expanded hours of service are 39044
provided, whether weekend service is provided, whether the 39045
provider has exceeded the minimum requirements of state statutes 39046

and rules governing child day-care, and any other factors the 39047
director considers appropriate. The director shall establish an 39048
enhanced rate of ~~reimbursement~~ for providers who provide child 39049
day-care for caretaker parents who work nontraditional hours. For 39050
a type B family day-care home that has received limited 39051
certification pursuant to rules adopted under division (G)(1) of 39052
section 5104.011 of the Revised Code, the department shall adopt 39053
rules establishing a ~~reimbursement~~ rate that is the greater of the 39054
rate that was in effect for the home on October 1, 1997, or 39055
seventy-five per cent of the ~~reimbursement~~ rate that applies to a 39056
type B family day-care home certified by the same county 39057
department of job and family services pursuant to section 5104.11 39058
of the Revised Code. 39059

Sec. 5104.32. (A) Except as provided in division (C) of this 39060
section, all purchases of publicly funded child day-care shall be 39061
made under a contract entered into by a licensed child day-care 39062
center, licensed type A family day-care home, certified type B 39063
family day-care home, certified in-home aide, approved child day 39064
camp, licensed preschool program, licensed school child program, 39065
or border state child day-care provider and the county department 39066
of job and family services. A county department of job and family 39067
services may enter into a contract with a provider for publicly 39068
funded child day-care for a specified period of time or upon a 39069
continuous basis for an unspecified period of time. All contracts 39070
for publicly funded child day-care shall be contingent upon the 39071
availability of state and federal funds. The department of job and 39072
family services shall prescribe a standard form to be used for all 39073
contracts for the purchase of publicly funded child day-care, 39074
regardless of the source of public funds used to purchase the 39075
child day-care. To the extent permitted by federal law and 39076
notwithstanding any other provision of the Revised Code that 39077
regulates state or county contracts or contracts involving the 39078

expenditure of state, county, or federal funds, all contracts for 39079
publicly funded child day-care shall be entered into in accordance 39080
with the provisions of this chapter and are exempt from any other 39081
provision of the Revised Code that regulates state or county 39082
contracts or contracts involving the expenditure of state, county, 39083
or federal funds. 39084

(B) Each contract for publicly funded child day-care shall 39085
specify at least the following: 39086

(1) Except as provided in division (B)(2) of this section, 39087
that the provider of publicly funded child day-care agrees to be 39088
paid for rendering services at the lower of the rate customarily 39089
charged by the provider for children enrolled for child day-care 39090
or the ~~rate~~ rates of reimbursement and payment established 39091
pursuant to section 5104.30 of the Revised Code; 39092

(2) If the provider provides publicly funded child day-care 39093
to caretaker parents who work nontraditional hours, that the 39094
provider is to be paid for rendering services to those caretaker 39095
parents at the ~~rate~~ rates of reimbursement and payment established 39096
pursuant to section 5104.30 of the Revised Code regardless of 39097
whether that rate is higher than the rate the provider customarily 39098
charges for children enrolled for child day-care; 39099

(3) That, if a provider provides child day-care to an 39100
individual potentially eligible for publicly funded child day-care 39101
who is subsequently determined to be eligible, the county 39102
department agrees to pay for all child day-care provided between 39103
the date the county department receives the individual's completed 39104
application and the date the individual's eligibility is 39105
determined; 39106

(4) Whether the county department of job and family services, 39107
the provider, or a child day-care resource and referral service 39108
organization will make eligibility determinations, whether the 39109

provider or a child day-care resource and referral service 39110
organization will be required to collect information to be used by 39111
the county department to make eligibility determinations, and the 39112
time period within which the provider or child day-care resource 39113
and referral service organization is required to complete required 39114
eligibility determinations or to transmit to the county department 39115
any information collected for the purpose of making eligibility 39116
determinations; 39117

(5) That the provider, other than a border state child 39118
day-care provider or except as provided in division (B) of section 39119
3301.37 of the Revised Code, shall continue to be licensed, 39120
approved, or certified pursuant to this chapter ~~or sections~~ 39121
~~3301.52 to 3301.59 of the Revised Code~~ and shall comply with all 39122
standards and other requirements in this chapter ~~and those~~ 39123
~~sections~~ and in rules adopted pursuant to this chapter ~~or those~~ 39124
~~sections~~ for maintaining the provider's license, approval, or 39125
certification; 39126

(6) That, in the case of a border state child day-care 39127
provider, the provider shall continue to be licensed, certified, 39128
or otherwise approved by the state in which the provider is 39129
located and shall comply with all standards and other requirements 39130
established by that state for maintaining the provider's license, 39131
certificate, or other approval; 39132

(7) Whether the provider will be paid by the county 39133
department of job and family services or the state department of 39134
job and family services; 39135

(8) That the contract is subject to the availability of state 39136
and federal funds. 39137

(C) Unless specifically prohibited by federal law, the county 39138
department of job and family services shall give individuals 39139
eligible for publicly funded child day-care the option of 39140

obtaining certificates for payment that the individual may use to 39141
purchase services from any provider qualified to provide publicly 39142
funded child day-care under section 5104.31 of the Revised Code. 39143
Providers of publicly funded child day-care may present these 39144
certificates for payment for reimbursement in accordance with 39145
rules that the director of job and family services shall adopt. 39146
Only providers may receive reimbursement for certificates for 39147
payment. The value of the certificate for payment shall be based 39148
on the lower of the rate customarily charged by the provider or 39149
the ~~rate~~ rates of reimbursement and payment established pursuant 39150
to section 5104.30 of the Revised Code, unless the provider 39151
provides publicly funded child day-care to caretaker parents who 39152
work nontraditional hours, in which case the value of the 39153
certificate for payment for the services to those caretaker 39154
parents shall be based on the ~~rate of reimbursement~~ rates 39155
established pursuant to that section regardless of whether that 39156
rate is higher than the rate customarily charged by the provider. 39157
The county department may provide the certificates for payment to 39158
the individuals or may contract with child day-care providers or 39159
child day-care resource and referral service organizations that 39160
make determinations of eligibility for publicly funded child 39161
day-care pursuant to contracts entered into under section 5104.34 39162
of the Revised Code for the providers or resource and referral 39163
service organizations to provide the certificates for payment to 39164
individuals whom they determine are eligible for publicly funded 39165
child day-care. 39166

For each six-month period a provider of publicly funded child 39167
day-care provides publicly funded child day-care to the child of 39168
an individual given certificates ~~of~~ for payment, the individual 39169
shall provide the provider certificates for days the provider 39170
would have provided publicly funded child day-care to the child 39171
had the child been present. County departments shall specify the 39172
maximum number of days providers will be provided certificates ~~of~~ 39173

for payment for days the provider would have provided publicly 39174
funded child day-care had the child been present. The maximum 39175
number of days shall not exceed ten days in a six-month period 39176
during which publicly funded child day-care is provided to the 39177
child regardless of the number of providers that provide publicly 39178
funded child day-care to the child during that period. 39179

Sec. 5107.02. As used in this chapter: 39180

(A) "Adult" means an individual who is not a minor child. 39181

(B) "Assistance group" means a group of individuals treated 39182
as a unit for purposes of determining eligibility for and the 39183
amount of assistance provided under Ohio works first. 39184

(C) "Custodian" means an individual who has legal custody, as 39185
defined in section 2151.011 of the Revised Code, of a minor child 39186
or comparable status over a minor child created by a court of 39187
competent jurisdiction in another state. 39188

(D) "Guardian" means an individual that is granted authority 39189
by a probate court pursuant to Chapter 2111. of the Revised Code, 39190
or a court of competent jurisdiction in another state, to exercise 39191
parental rights over a minor child to the extent provided in the 39192
court's order and subject to residual parental rights of the minor 39193
child's parents. 39194

(E) "Minor child" means either of the following: 39195

(1) An individual who has not attained age eighteen; 39196

(2) An individual who has not attained age nineteen and is a 39197
full-time student in a secondary school or in the equivalent level 39198
of vocational or technical training. 39199

(F) "Minor head of household" means a minor child who is 39200
either of the following: 39201

(1) ~~At~~ Is married, at least six months pregnant, and a member 39202

of an assistance group that does not include an adult;	39203
(2) A <u>Is married and is</u> a parent of a child included in the	39204
same assistance group that does not include an adult.	39205
(G) "Ohio works first" means the program established by this	39206
chapter known as temporary assistance for needy families in Title	39207
IV-A.	39208
(H) "Payment standard" means the amount specified in rules	39209
adopted under section 5107.05 of the Revised Code that is the	39210
maximum amount of cash assistance an assistance group may receive	39211
under Ohio works first from state and federal funds.	39212
(I) "Specified relative" means the following individuals who	39213
are age eighteen or older:	39214
(1) The following individuals related by blood or adoption:	39215
(a) Grandparents, including grandparents with the prefix	39216
"great," "great-great," or "great-great-great";	39217
(b) Siblings;	39218
(c) Aunts, uncles, nephews, and nieces, including such	39219
relatives with the prefix "great," "great-great," "grand," or	39220
"great-grand";	39221
(d) First cousins and first cousins once removed.	39222
(2) Stepparents and stepsiblings;	39223
(3) Spouses and former spouses of individuals named in	39224
division (I)(1) or (2) of this section.	39225
(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title	39226
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.	39227
301, as amended.	39228
Sec. 5107.30. (A) As used in this section:	39229
(1) "LEAP program" means the learning, earning, and parenting	39230

program. 39231

(2) "Teen" means a participant of Ohio works first who is 39232
under age ~~twenty~~ eighteen or is age eighteen and in school and is 39233
a natural or adoptive parent or is pregnant. 39234

(3) "School" means an educational program that is designed to 39235
lead to the attainment of a high school diploma or the equivalent 39236
of a high school diploma. 39237

(B) The director of job and family services may adopt rules 39238
under section 5107.05 of the Revised Code, to the extent that such 39239
rules are consistent with federal law, to do all of the following: 39240

(1) Define "good cause" and "the equivalent of a high school 39241
diploma" for the purposes of this section; 39242

(2) Conduct ~~one or more special demonstration programs a~~ 39243
program titled the "LEAP program" and establish requirements 39244
governing the program. The purpose of the LEAP program is to 39245
encourage teens to complete school. 39246

(3) Require every teen who is subject to LEAP program 39247
requirements to attend school in accordance with the requirements 39248
governing the program unless the teen shows good cause for not 39249
attending school. The department shall provide, in addition to the 39250
cash assistance payment provided under Ohio works first, an 39251
incentive payment, in an amount determined by the department, to 39252
every teen who is participating in the LEAP program and attends 39253
school in accordance with the requirements governing the program. 39254
The department shall reduce the cash assistance payment, in an 39255
amount determined by the department, under Ohio works first to 39256
every teen participating in the LEAP program who fails or refuses, 39257
without good cause, to ~~attend school in accordance with~~ meet the 39258
requirements governing the program. 39259

(4) Require every teen who is subject to LEAP program 39260
requirements to enter into a written agreement with the county 39261

department of job and family services that provides all of the 39262
following: 39263

(a) The teen, to be eligible to receive the incentive payment 39264
under division (B)(3) of this section, must ~~attend school in~~ 39265
~~accordance with~~ meet the requirements of the LEAP program. 39266

(b) The county department will provide the incentive payment 39267
to the teen if the teen ~~attends school;~~ meets the requirements of
the LEAP program. 39268
39269

(c) The county department will reduce the cash assistance 39270
payment under Ohio works first if the teen fails or refuses 39271
without good cause to attend school in accordance with the 39272
requirements governing the LEAP program. 39273

~~(5) Evaluate the demonstration programs established under 39274
this section. In conducting the evaluations, the department of job 39275
and family services shall select control groups of teens who are 39276
otherwise subject to the LEAP program requirements. 39277~~

(C) A ~~teen~~ minor head of household who is participating in 39278
the LEAP program shall be considered to be participating in a work 39279
activity for the purpose of sections 5107.40 to 5107.69 of the 39280
Revised Code. However, the ~~teen~~ minor head of household is not 39281
subject to the requirements or sanctions of those sections, ~~unless 39282
the teen is over age eighteen and meets the LEAP program 39283
requirements by participating regularly in work activities, 39284
developmental activities, or alternative work activities under 39285
those sections. 39286~~

(D) Subject to the availability of funds, county departments 39287
of job and family services shall provide for LEAP participants to 39288
receive support services the county department determines to be 39289
necessary for LEAP participation. Support services may include 39290
publicly funded child day-care under Chapter 5104. of the Revised 39291
Code, transportation, and other services. 39292

Sec. 5107.37. ~~An~~ (A) Except as provided in division (B) of this section, an individual who resides in a county home, city infirmary, jail, or other public institution is not eligible to participate in Ohio works first. 39293
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(B) Division (A) of this section does not apply to a minor child residing with the minor child's mother who participates in a prison nursery program established under section 5120.65 of the Revised Code. 39297
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Sec. 5107.40. As used in sections 5107.40 to 5107.69 of the Revised Code: 39301
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(A) "Alternative work activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of job and family services under section 5107.64 of the Revised Code. 39303
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(B) "Developmental activity" means an activity designed to promote self sufficiency and personal responsibility established by a county department of job and family services under section 5107.62 of the Revised Code. 39307
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(C) "High school equivalence diploma" means a diploma attesting to achievement of the equivalent of a high school education as measured by scores obtained on the tests of general educational development published by the American council on education. "High school equivalence diploma" includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school education as measured by scores obtained on tests of general educational development. 39311
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(D) "Work activity" means the following: 39320

(1) Unsubsidized employment activities established under 39321

section 5107.60 of the Revised Code;	39322
(2) The subsidized employment program established under section 5107.52 of the Revised Code;	39323 39324
(3) The work experience program established under section 5107.54 of the Revised Code;	39325 39326
(4) On-the-job training activities established under section 5107.60 of the Revised Code;	39327 39328
(5) The job search and readiness program established under section 5107.50 of the Revised Code;	39329 39330
(6) Community service activities established under section 5107.60 of the Revised Code;	39331 39332
(7) Vocational educational training activities established under section 5107.60 of the Revised Code;	39333 39334
(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;	39335 39336 39337
(9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or high school equivalence diploma;	39338 39339 39340 39341
(10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a high school equivalence diploma under which the participants attend a secondary school or a course of study leading to a high school equivalence diploma;	39342 39343 39344 39345 39346 39347
(11) Child-care service activities, including training, established under section 5107.60 of the Revised Code to aid another participant of Ohio works first assigned to a community service activity or other work activity;	39348 39349 39350 39351

(12) The education program established under section 5107.58 39352
of the Revised Code that are operated pursuant to a federal waiver 39353
granted by the United States secretary of health and human 39354
services pursuant to a request made under former section 5101.09 39355
of the Revised Code; 39356

(13) ~~Except as limited~~ To the extent provided by division (C) 39357
of section 5107.30 of the Revised Code, the LEAP program 39358
established under that section. 39359

Sec. 5107.60. In accordance with Title IV-A, federal 39360
regulations, state law, the Title IV-A state plan prepared under 39361
section 5101.80 of the Revised Code, and amendments to the plan, 39362
county departments of job and family services shall establish and 39363
administer the following work activities, in addition to the work 39364
activities established under sections 5107.50, 5107.52, 5107.54, 39365
and 5107.58 of the Revised Code, for minor heads of households and 39366
adults participating in Ohio works first: 39367

(A) Unsubsidized employment activities, including activities 39368
a county department determines are legitimate entrepreneurial 39369
activities; 39370

(B) On-the-job training activities, including training to 39371
become an employee of a child day-care center or type A family 39372
day-care home, authorized provider of a certified type B family 39373
day-care home, or in-home aide; 39374

(C) Community service activities including a program under 39375
which a participant of Ohio works first who is the parent, 39376
guardian, custodian, or specified relative responsible for the 39377
care of a minor child enrolled in grade twelve or lower is 39378
involved in the minor child's education on a regular basis; 39379

(D) Vocational educational training activities; 39380

(E) Jobs skills training activities that are directly related 39381

to employment;	39382
(F) Education activities that are directly related to	39383
employment for participants who have not earned a high school	39384
diploma or high school equivalence diploma;	39385
(G) Education activities for participants who have not	39386
completed secondary school or received a high school equivalence	39387
diploma under which the participants attend a secondary school or	39388
a course of study leading to a high school equivalence diploma,	39389
<u>including LEAP participation by a minor head of household;</u>	39390
(H) Child-care service activities aiding another participant	39391
assigned to a community service activity or other work activity. A	39392
county department may provide for a participant assigned to this	39393
work activity to receive training necessary to provide child-care	39394
services.	39395
Sec. 5108.01. As used in this chapter:	39396
(A) "Assistance group" means a group of individuals treated	39397
as a unit for purposes of determining eligibility for the	39398
prevention, retention, and contingency program <u>"County family</u>	39399
<u>services planning committee" means the county family services</u>	39400
<u>planning committee established under section 329.06 of the Revised</u>	39401
<u>Code or the board created by consolidation under division (C) of</u>	39402
<u>section 6301.06 of the Revised Code.</u>	39403
(B) "Prevention, retention, and contingency program" means	39404
the program established by this chapter and funded in part with	39405
federal funds provided under Title IV-A.	39406
(C) "Title IV-A" means Title IV-A of the "Social Security	39407
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	39408
Sec. 5108.03. Under the prevention, retention, and	39409
contingency program, a <u>each</u> county department of job and family	39410

services shall ~~provide~~ do both of the following in accordance with 39411
the statement of policies the county department develops under 39412
section 5108.04 of the Revised Code: 39413

(A) Provide benefits and services that individuals need to 39414
overcome immediate barriers to achieving or maintaining self 39415
sufficiency and personal responsibility; 39416

(B) Perform related administrative duties. ~~A county~~ 39417
~~department shall provide the benefits and services in accordance~~ 39418
~~with either the model design for the program that the department~~ 39419
~~of job and family services develops under section 5108.05 of the~~ 39420
~~Revised Code or the county department's own policies for the~~ 39421
~~program developed under section 5108.06 of the Revised Code.~~ 39422

Sec. ~~5108.06~~ 5108.04. Each county department of job and 39423
family services shall ~~either adopt the model design for a written~~ 39424
statement of policies governing the prevention, retention, and 39425
~~contingency program the department of job and family services~~ 39426
~~develops under section 5108.05 of the Revised Code or develop its~~ 39427
~~own policies for the program~~ county. ~~To develop its own policies,~~ 39428
~~a county department shall adopt a written statement of the~~ 39429
~~policies governing the program. The policies may be a modification~~ 39430
~~of the model design, different from the model design, or a~~ 39431
~~combination.~~ The statement of policies shall be adopted not later 39432
than October 1, 2003, and shall be updated at least every two 39433
years thereafter. A county department may amend its statement of 39434
policies to modify, terminate, and establish new policies. The 39435
county director of job and family services shall sign and date the 39436
statement of policies and any amendment to it. Neither the 39437
statement of policies nor any amendment to it may have an 39438
effective date that is earlier than the date of the county 39439
director's signature. 39440

A Each county department of job and family services shall 39441

~~inform~~ provide the department of job and family services of 39442
~~whether it has adopted the model design or developed its own~~ 39443
~~policies for the prevention, retention, and contingency program.~~ 39444
~~If a county department develops its own policies, it shall provide~~ 39445
~~the department a written copy of the statement of policies and any~~ 39446
~~amendments it adopts to the statement~~ not later than ten calendar 39447
days after the statement or amendment's effective date. 39448

~~Sec. 5108.07~~ 5108.05. ~~The model design for the prevention,~~ 39449
~~retention, and contingency program that the department of job and~~ 39450
~~family services develops under section 5108.05 of the Revised Code~~ 39451
~~and policies for the program that a county department of job and~~ 39452
~~family services may develop under section 5108.06 of the Revised~~ 39453
~~Code shall establish~~ In adopting a statement of policies under 39454
section 5108.04 of the Revised Code for the county's prevention, 39455
retention, and contingency program, each county department of job 39456
and family services shall do all of the following: 39457

~~(A) Establish~~ or specify eligibility requirements for 39458
~~assistance groups that apply for the program under section 5108.10~~ 39459
~~of the Revised Code, benefits~~ all of the following: 39460

~~(1) Benefits~~ and services to be provided under the program to 39461
~~assistance groups, administrative~~ that are allowable uses of 39462
federal Title IV-A funds under 42 U.S.C. 601 and 604(a), except 39463
that they may not be "assistance" as defined in 45 C.F.R. 39464
260.31(a) but rather benefits and services that 45 C.F.R. 39465
260.31(b) excludes from the definition of assistance; 39466

~~(2) Restrictions on the amount, duration, and frequency of~~ 39467
the benefits and services; 39468

~~(3) Eligibility requirements for the benefits and services;~~ 39469

~~(4) Fair and equitable procedures for both of the following:~~ 39470

~~(a) The certification of eligibility for the benefits and~~ 39471

services that do not have a financial need eligibility 39472
requirement; 39473

(b) The determination and verification of eligibility for the 39474
benefits and services that have a financial need eligibility 39475
requirement. 39476

(5) Objective criteria for the delivery of the benefits and 39477
services; 39478

(6) Administrative requirements, and other; 39479

(7) Other matters the department, in the case of the model 39480
design, or a county department, in the case of county policies, 39481
determine determines are necessary. 39482

~~The model design and a county department's policies may~~ 39483
~~establish eligibility requirements for, and specify benefits and~~ 39484
~~services to be provided to, types of groups, such as students in~~ 39485
~~the same class, that share a common need for the benefits and~~ 39486
~~services. If the model design or a county department's policies~~ 39487
~~include such a provision, the model design or county department's~~ 39488
~~policies shall require that each individual who is to receive the~~ 39489
~~benefits and services meet the eligibility requirements~~ 39490
~~established for the type of group of which the individual is a~~ 39491
~~member. The model design or county department's policies also~~ 39492
~~shall require that the county department providing the benefits~~ 39493
~~and services certify the group's eligibility, specify the duration~~ 39494
~~that the group is to receive the benefits and services, and~~ 39495
~~maintain the eligibility information for each member of the group~~ 39496
~~receiving the benefits and services.~~ 39497

~~The model design and a county department's policies may~~ 39498
~~specify benefits and services that a county department may provide~~ 39499
~~for the general public, including billboards that promote the~~ 39500
~~prevention, and reduction in the incidence, of out of wedlock~~ 39501
~~pregnancies or encourage the formation and maintenance of~~ 39502

~~two parent families.~~ 39503

~~The model design and a county department's policies must be~~ 39504
~~consistent with (B) Provide for the statement of policies to be~~ 39505
~~consistent with all of the following:~~ 39506

~~(1) The plan of cooperation the board of county commissioners~~ 39507
~~develops under section 307.983 of the Revised Code;~~ 39508

~~(2) The review and analysis of the county family services~~ 39509
~~committee conducted in accordance with division (B)(2) of section~~ 39510
~~329.06 of the Revised Code;~~ 39511

~~(3) Title IV-A, federal regulations, state law, the Title~~ 39512
~~IV-A state plan submitted to the United States secretary of health~~ 39513
~~and human services under section 5101.80 of the Revised Code, and~~ 39514
~~amendments to the plan. All benefits and services to be provided~~ 39515
~~under the model design or a county department's policies must be~~ 39516
~~allowable uses of federal Title IV A funds as specified in 42~~ 39517
~~U.S.C.A. 604(a), except that they may not be "assistance" as~~ 39518
~~defined in 45 C.F.R. 260.31(a). The benefits and services shall be~~ 39519
~~benefits and services that 45 C.F.R. 260.31(b) excludes from the~~ 39520
~~definition of assistance.~~ 39521

~~(C) Either provide the public and local government entities~~ 39522
~~at least thirty days to submit comments on, or have the county~~ 39523
~~family services planning committee review, the statement of~~ 39524
~~policies, including the design of the county's prevention,~~ 39525
~~retention, and contingency program, before the county director~~ 39526
~~signs and dates the statement of policies.~~ 39527

Sec. 5108.06. In adopting a statement of policies under 39528
section 5108.04 of the Revised Code for the county's prevention, 39529
retention, and contingency program, a county department of job and 39530
family services may specify both of the following: 39531

(A) Benefits and services to be provided under the program 39532

that prevent and reduce the incidence of out-of-wedlock 39533
pregnancies or encourage the formation and maintenance of 39534
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 39535

(B) How the county department will certify individuals' 39536
eligibility for such benefits and services. 39537

Sec. 5108.07. (A) Each statement of policies adopted under 39538
section 5108.04 of the Revised Code shall include the board of 39539
county commissioners' certification that the county department of 39540
job and family services complied with this chapter in adopting the 39541
statement of policies. 39542

(B) The board of county commissioners shall revise its 39543
certification under division (A) of this section if an amendment 39544
to the statement of policies that the board considers to be 39545
significant is adopted under section 5108.04 of the Revised Code. 39546

Sec. 5108.09. When a state hearing under division (B) of 39547
section 5101.35 of the Revised Code or an administrative appeal 39548
under division (C) of that section is held regarding the 39549
prevention, retention, and contingency program, the hearing 39550
officer, director of job and family services, or director's 39551
designee shall base the decision in the hearing or appeal on ~~the~~ 39552
~~following:~~ 39553

~~(A) If the county department of job and family services~~ 39554
~~involved in the hearing or appeal adopted the department of job~~ 39555
~~and family services' model design for the program developed under~~ 39556
~~section 5108.05 of the Revised Code, the model design:~~ 39557

~~(B) If the county department developed its own policies for~~ 39558
~~the program,~~ the county department's department of job and family 39559
services' written statement of policies adopted under section 39560
~~5108.06~~ 5108.04 of the Revised Code and any amendments the county 39561
department adopted to the statement if the county department 39562

provides a copy of the statement of policies and all amendments to 39563
the hearing officer, director, or director's designee at the 39564
hearing or appeal. 39565

Sec. 5108.10. ~~An assistance group seeking to participate in~~ 39566
~~the prevention, retention, and contingency program shall apply to~~ 39567
~~a county department of job and family services using~~ Eligibility 39568
for a benefit or service under a county's prevention, retention, 39569
and contingency program shall be certified in accordance with the 39570
statement of policies adopted under section 5108.04 of the Revised 39571
Code if the benefit or service does not have a financial need 39572
eligibility requirement. 39573

Eligibility for a benefit or service shall be determined in 39574
accordance with the statement of policies and based on an 39575
application containing information the county department of job 39576
and family services requires. 39577

~~When if the benefit or service has a financial need~~ 39578
eligibility requirement. When a county department receives an 39579
application for ~~participation in the prevention, retention, and~~ 39580
~~contingency program~~ such benefits and services, it shall promptly 39581
~~make an investigation and record of the circumstances of the~~ 39582
~~applicant in order to ascertain~~ follow verification procedures 39583
established by the statement of policies to verify the facts 39584
surrounding the application and to obtain such other information 39585
as may be required. On completion of the ~~investigation~~ 39586
verification procedure, the county department shall determine 39587
whether the applicant is eligible ~~to participate,~~ for the benefits 39588
or services ~~the applicant should receive,~~ and the approximate date 39589
when ~~participation is~~ the benefits or services are to begin. 39590

Sec. 5108.11. (A) To the extent permitted by section 307.982 39591
of the Revised Code, a board of county commissioners may enter 39592

into a written contract with a private or government entity for 39593
the entity to do either or both of the following for the county's 39594
prevention, retention, and contingency program: 39595

(1) Certify eligibility for benefits and services that do not 39596
have a financial need eligibility requirement; 39597

(2) Accept applications and determine and verify eligibility 39598
for benefits and services that have a financial need eligibility 39599
requirement. 39600

(B) If a board of county commissioners enters into a contract 39601
under division (A) of this section with a private or government 39602
entity, the county department of job and family services shall do 39603
all of the following: 39604

(1) Ensure that eligibility for benefits and services is 39605
certified or determined and verified in accordance with the 39606
statement of policies adopted under section 5108.04 of the Revised 39607
Code; 39608

(2) Ensure that the private or government entity maintains 39609
all records that are necessary for audits; 39610

(3) Monitor the private or government entity for compliance 39611
with Title IV-A, this chapter of the Revised Code, and the 39612
statement of policies; 39613

(4) Take actions that are necessary to recover any funds that 39614
are not spent in accordance with Title IV-A or this chapter of the 39615
Revised Code. 39616

Sec. 5108.12. Each county department of job and family 39617
services is responsible for funds expended or claimed under the 39618
county's prevention, retention, and contingency program that the 39619
department of job and family services, auditor of state, United 39620
States department of health and human services, or other 39621
government entity determines is expended or claimed in a manner 39622

that federal or state law or policy does not permit. 39623

Sec. 5111.019. (A) ~~The~~ If sufficient funds are appropriated 39624
by the general assembly, the director of job and family services 39625
~~shall~~ may submit to the United States secretary of health and 39626
human services an amendment to the state medicaid plan to make an 39627
individual who meets all of the following requirements eligible 39628
for medicaid for the amount of time provided by division (B) of 39629
this section: 39630

(1) The individual is the parent of a child under nineteen 39631
years of age and resides with the child; 39632

(2) The individual's family income does not exceed one 39633
hundred per cent of the federal poverty guidelines; 39634

(3) The individual is not otherwise eligible for medicaid; 39635

(4) The individual satisfies all relevant requirements 39636
established by rules adopted under division (D) of section 5111.01 39637
of the Revised Code. 39638

(B) An individual is eligible to receive medicaid under this 39639
section for a period that does not exceed two years beginning on 39640
the date on which eligibility is established. 39641

~~(C) If approved by the United States secretary of health and 39642
human services and the director of job and family services, the 39643
director shall implement the medicaid plan amendment submitted 39644
under this section not sooner than July 1, 2000. If a federal 39645
waiver is necessary for the United States secretary to approve the 39646
amendment, the director of job and family services shall submit a 39647
waiver request to the United States secretary not later than 39648
ninety days after the effective date of this section. 39649~~

Sec. 5111.0112. The director of job and family services shall 39650
examine instituting a copayment program under medicaid. As part of 39651

the examination, the director shall determine which groups of 39652
medicaid recipients may be subjected to a copayment requirement 39653
under federal statutes and regulations ~~and which of those groups~~ 39654
~~are appropriate for a copayment program designed to reduce~~ 39655
~~inappropriate and excessive use of medical goods and services.~~ If, 39656
on completion of the examination, the director determines that it 39657
is feasible to institute such a copayment program, the director 39658
may seek approval from the United States secretary of health and 39659
human services to institute the copayment program. If necessary, 39660
the director may seek approval by applying for a waiver of federal 39661
statutes and regulations. If such approval is obtained, the 39662
director shall adopt rules in accordance with Chapter 119. of the 39663
Revised Code governing the copayment program. 39664

Sec. 5111.0113. Children who are in the temporary or 39665
permanent custody of a certified public or private nonprofit 39666
agency or institution or in adoptions subsidized under division 39667
(B) of section 5153.163 of the Revised Code are eligible for 39668
medical assistance through the medicaid program established under 39669
section 5111.01 of the Revised Code. 39670

Sec. 5111.02. (A) Under the medical assistance program: 39671

(1) Except as otherwise permitted by federal statute or 39672
regulation and at the department's discretion, reimbursement by 39673
the department of job and family services to a medical provider 39674
for any medical service rendered under the program shall not 39675
exceed the authorized reimbursement level for the same service 39676
under the medicare program established under Title XVIII of the 39677
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 39678
amended. 39679

(2) Reimbursement for freestanding medical laboratory charges 39680
shall not exceed the customary and usual fee for laboratory 39681

profiles. 39682

(3) The department may deduct from payments for services 39683
rendered by a medicaid provider under the medical assistance 39684
program any amounts the provider owes the state as the result of 39685
incorrect medical assistance payments the department has made to 39686
the provider. 39687

(4) The department may conduct final fiscal audits in 39688
accordance with the applicable requirements set forth in federal 39689
laws and regulations and determine any amounts the provider may 39690
owe the state. When conducting final fiscal audits, the department 39691
shall consider generally accepted auditing standards, which 39692
include the use of statistical sampling. 39693

(5) The number of days of inpatient hospital care for which 39694
reimbursement is made on behalf of a recipient of medical 39695
assistance to a hospital that is not paid under a 39696
diagnostic-related-group prospective payment system shall not 39697
exceed thirty days during a period beginning on the day of the 39698
recipient's admission to the hospital and ending sixty days after 39699
the termination of that hospital stay, except that the department 39700
may make exceptions to this limitation. The limitation does not 39701
apply to children participating in the program for medically 39702
handicapped children established under section 3701.023 of the 39703
Revised Code. 39704

(B) The director of job and family services may adopt, amend, 39705
or rescind rules under Chapter 119. of the Revised Code 39706
establishing the amount, duration, and scope of medical services 39707
to be included in the medical assistance program. Such rules shall 39708
establish the conditions under which services are covered and 39709
reimbursed, the method of reimbursement applicable to each covered 39710
service, and the amount of reimbursement or, in lieu of such 39711
amounts, methods by which such amounts are to be determined for 39712
each covered service. Any rules that pertain to nursing facilities 39713

or intermediate care facilities for the mentally retarded shall be 39714
consistent with sections 5111.20 to 5111.33 of the Revised Code. 39715

~~(C) No health insuring corporation that has a contract to 39716
provide health care services to recipients of medical assistance 39717
shall restrict the availability to its enrollees of any 39718
prescription drugs included in the Ohio medicaid drug formulary as 39719
established under rules adopted by the director. 39720~~

~~(D) The division of any reimbursement between a collaborating 39721
physician or podiatrist and a clinical nurse specialist, certified 39722
nurse-midwife, or certified nurse practitioner for services 39723
performed by the nurse shall be determined and agreed on by the 39724
nurse and collaborating physician or podiatrist. In no case shall 39725
reimbursement exceed the payment that the physician or podiatrist 39726
would have received had the physician or podiatrist provided the 39727
entire service. 39728~~

Sec. 5111.021. Under the medical assistance program, any 39729
amount determined to be owed the state by a final fiscal audit 39730
conducted pursuant to division (A)(4) of section 5111.02 of the 39731
Revised Code, upon the issuance of an adjudication order pursuant 39732
to Chapter 119. of the Revised Code that contains a finding that 39733
there is a preponderance of the evidence that the provider will 39734
liquidate assets or file bankruptcy in order to prevent payment of 39735
the amount determined to be owed the state, becomes a lien upon 39736
the real and personal property of the provider. Upon failure of 39737
the provider to pay the amount to the state, the director of job 39738
and family services shall file notice of the lien, for which there 39739
shall be no charge, in the office of the county recorder of the 39740
county in which it is ascertained that the provider owns real or 39741
personal property. The director shall notify the provider by mail 39742
of the lien, but absence of proof that the notice was sent does 39743
not affect the validity of the lien. The lien is not valid as 39744

against the claim of any mortgagee, pledgee, purchaser, judgment creditor, or other lienholder of record at the time the notice is filed. 39745
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If the provider acquires real or personal property after notice of the lien is filed, the lien shall not be valid as against the claim of any mortgagee, pledgee, subsequent bona fide purchaser for value, judgment creditor, or other lienholder of record to such after-acquired property unless the notice of lien is refiled after the property is acquired by the provider and before the competing lien attaches to the after-acquired property or before the conveyance to the subsequent bona fide purchaser for value. 39748
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When the amount has been paid, the provider may record with the recorder notice of the payment. For recording such notice of payment, the recorder shall charge and receive from the provider a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code. 39757
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In the event of a distribution of a provider's assets pursuant to an order of any court under the law of this state including any receivership, assignment for benefit of creditors, adjudicated insolvency, or similar proceedings, amounts then or thereafter due the state under this chapter have the same priority as provided by law for the payment of taxes due the state and shall be paid out of the receivership trust fund or other such trust fund in the same manner as provided for claims for unpaid taxes due the state. 39762
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If the attorney general finds after investigation that any amount due the state under this chapter is uncollectable, in whole or in part, the attorney general shall recommend to the director the cancellation of all or part of the claim. The director may thereupon effect the cancellation. 39771
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Sec. 5111.022. (A) As used in this section: 39776

(1) "Community mental health facility" means a community mental health facility that has a quality assurance program accredited by the joint commission on accreditation of healthcare organizations or is certified by the department of mental health or department of job and family services. 39777
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(2) "Mental health professional" means a person qualified to work with mentally ill persons under the standards established by the director of mental health pursuant to section 5119.611 of the Revised Code. 39782
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(B) The state medicaid 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 39786
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mental health services when provided by community mental health 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; 39791
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(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional; 39797
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(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; 39800
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(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services. 39803
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~~(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 federal medicaid reimbursement funds earned by the community mental health 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 standards established by the director of mental health pursuant to section 5119.611 of the Revised Code.~~

~~(E) With respect to services established by division (A) of this section, the The department of job and family services shall enter into a separate contract with the department of mental health under section 5111.91 of the Revised Code with regard to the component of the medicaid program provided for by this section. 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 39837
services established by division (A) of this section. 39838~~

(E) Not later than May 1, 2004, the department of job and 39839
family services shall request federal approval to provide 39840
assertive community treatment and intensive home-based mental 39841
health services under medicaid pursuant to this section. 39842

(F) On receipt of federal approval sought under division (F) 39843
of this section, the director of job and family services shall 39844
adopt rules in accordance with Chapter 119. of the Revised Code 39845
establishing statewide access and acuity standards for partial 39846
hospitalization mental health services and assertive community 39847
treatment and intensive home-based mental health services provided 39848
under medicaid pursuant to this section. The director shall 39849
consult with the department of mental health in adopting the 39850
rules. 39851

Sec. 5111.025. (A) In rules adopted under section 5111.02 of 39852
the Revised Code, the director of job and family services shall 39853
modify the manner or establish a new manner in which the following 39854
are paid under medicaid: 39855

(1) Community mental health facilities for providing mental 39856
health services included in the state medicaid plan pursuant to 39857
section 5111.022 of the Revised Code; 39858

(2) Providers of alcohol and drug addiction services for 39859
providing alcohol and drug addiction services included in the 39860
medicaid program pursuant to rules adopted under section 5111.02 39861
of the Revised Code. 39862

(B) In modifying the manner, or establishing a new manner, 39863
for medicaid to pay for the services specified in division (A) of 39864
this section, the director shall include a provision for obtaining 39865
federal financial participation for the costs that each board of 39866

alcohol, drug addiction, and mental health services incurs in its 39867
administration of those services. Except as provided in section 39868
5111.92 of the Revised Code, the department of job and family 39869
services shall pay the federal financial participation obtained 39870
for such administrative costs to the board that incurs the 39871
administrative costs. 39872

(C) The director's authority to modify the manner, or to 39873
establish a new manner, for medicaid to pay for the services 39874
specified in division (A) of this section is not limited by any 39875
rules adopted under section 5111.02 or 5119.61 of the Revised Code 39876
that are in effect on the effective date of this section and 39877
govern the way medicaid pays for those services. This is the case 39878
regardless of what state agency adopted the rules. 39879

Sec. 5111.03. (A) No provider of services or goods 39880
contracting with the department of job and family services 39881
pursuant to the medicaid program shall, by deception, obtain or 39882
attempt to obtain payments under this chapter to which the 39883
provider is not entitled pursuant to the provider agreement, or 39884
the rules of the federal government or the department of job and 39885
family services relating to the program. No provider shall 39886
willfully receive payments to which the provider is not entitled, 39887
or willfully receive payments in a greater amount than that to 39888
which the provider is entitled; nor shall any provider falsify any 39889
report or document required by state or federal law, rule, or 39890
provider agreement relating to medicaid payments. As used in this 39891
section, a provider engages in "deception" when the provider, 39892
acting with actual knowledge of the representation or information 39893
involved, acting in deliberate ignorance of the truth or falsity 39894
of the representation or information involved, or acting in 39895
reckless disregard of the truth or falsity of the representation 39896
or information involved, deceives another or causes another to be 39897
deceived by any false or misleading representation, by withholding 39898

information, by preventing another from acquiring information, or 39899
by any other conduct, act, or omission that creates, confirms, or 39900
perpetuates a false impression in another, including a false 39901
impression as to law, value, state of mind, or other objective or 39902
subjective fact. No proof of specific intent to defraud is 39903
required to show, for purposes of this section, that a provider 39904
has engaged in deception. 39905

(B) Any provider who violates division (A) of this section 39906
shall be liable, in addition to any other penalties provided by 39907
law, for all of the following civil penalties: 39908

(1) Payment of interest on the amount of the excess payments 39909
at the maximum interest rate allowable for real estate mortgages 39910
under section 1343.01 of the Revised Code on the date the payment 39911
was made to the provider for the period from the date upon which 39912
payment was made, to the date upon which repayment is made to the 39913
state; 39914

(2) Payment of an amount equal to three times the amount of 39915
any excess payments; 39916

(3) Payment of a sum of not less than five thousand dollars 39917
and not more than ten thousand dollars for each deceptive claim or 39918
falsification; 39919

(4) All reasonable expenses which the court determines have 39920
been necessarily incurred by the state in the enforcement of this 39921
section. 39922

(C) ~~In~~ As used in this division, "intermediate care facility 39923
for the mentally retarded" and "nursing facility" have the same 39924
meanings given in section 5111.20 of the Revised Code. 39925

In addition to the civil penalties provided in division (B) 39926
of this section, the director of job and family services, upon the 39927
conviction of, or the entry of a judgment in either a criminal or 39928
civil action against, a medicaid provider or its owner, officer, 39929

authorized agent, associate, manager, or employee in an action 39930
brought pursuant to section 109.85 of the Revised Code, shall 39931
terminate the provider agreement between the department and the 39932
provider and stop reimbursement to the provider for services 39933
rendered for a period of up to five years from the date of 39934
conviction or entry of judgment. As used in this chapter, "owner" 39935
means any person having at least five per cent ownership in the 39936
medicaid provider. No such provider, owner, officer, authorized 39937
agent, associate, manager, or employee shall own or provide 39938
services to any other medicaid provider or risk contractor or 39939
arrange for, render, or order services for medicaid recipients 39940
during the period of termination as provided in division (C) of 39941
this section, nor, during the period of termination as provided in 39942
division (C) of this section, shall such provider, owner, officer, 39943
authorized agent, associate, manager, or employee receive 39944
reimbursement in the form of direct payments from the department 39945
or indirect payments of medicaid funds in the form of salary, 39946
shared fees, contracts, kickbacks, or rebates from or through any 39947
participating provider or risk contractor. The provider agreement 39948
shall not be terminated or reimbursement terminated if the 39949
provider or owner can demonstrate that the provider or owner did 39950
not directly or indirectly sanction the action of its authorized 39951
agent, associate, manager, or employee that resulted in the 39952
conviction or entry of a judgment in a criminal or civil action 39953
brought pursuant to section 109.85 of the Revised Code. Nothing in 39954
this division prohibits any owner, officer, authorized agent, 39955
associate, manager, or employee of a medicaid provider from 39956
entering into a medicaid provider agreement if the person can 39957
demonstrate that the person had no knowledge of an action of the 39958
medicaid provider the person was formerly associated with that 39959
resulted in the conviction or entry of a judgment in a criminal or 39960
civil action brought pursuant to section 109.85 of the Revised 39961
Code. 39962

~~Providers subject to sections 5111.20 to 5111.32 of the~~ 39963
~~Revised Code Nursing facility or intermediate care facility for~~ 39964
~~the mentally retarded providers whose agreements are terminated~~ 39965
pursuant to this section may continue to receive reimbursement for 39966
up to thirty days after the effective date of the termination if 39967
the provider makes reasonable efforts to transfer recipients to 39968
another facility or to alternate care and if federal funds are 39969
provided for such reimbursement. 39970

(D) Any provider of services or goods contracting with the 39971
department of job and family services pursuant to Title XIX of the 39972
"Social Security Act," who, without intent, obtains payments under 39973
this chapter in excess of the amount to which the provider is 39974
entitled, thereby becomes liable for payment of interest on the 39975
amount of the excess payments at the maximum real estate mortgage 39976
rate on the date the payment was made to the provider for the 39977
period from the date upon which payment was made to the date upon 39978
which repayment is made to the state. 39979

(E) The attorney general on behalf of the state may commence 39980
proceedings to enforce this section in any court of competent 39981
jurisdiction; and the attorney general may settle or compromise 39982
any case brought under this section with the approval of the 39983
department of job and family services. Notwithstanding any other 39984
provision of law providing a shorter period of limitations, the 39985
attorney general may commence a proceeding to enforce this section 39986
at any time within six years after the conduct in violation of 39987
this section terminates. 39988

(F) The authority, under state and federal law, of the 39989
department of job and family services or a county department of 39990
job and family services to recover excess payments made to a 39991
provider is not limited by the availability of remedies under 39992
sections 5111.11 and 5111.12 of the Revised Code for recovering 39993
benefits paid on behalf of recipients of medical assistance. 39994

The penalties under this chapter apply to any overpayment, 39995
billing, or falsification occurring on and after April 24, 1978. 39996
All moneys collected by the state pursuant to this section shall 39997
be deposited in the state treasury to the credit of the general 39998
revenue fund. 39999

Sec. 5111.06. (A)(1) As used in this section: 40000

(a) "Provider" means any person, institution, or entity that 40001
furnishes medicaid services under a provider agreement with the 40002
department of job and family services pursuant to Title XIX of the 40003
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 40004
amended. 40005

(b) "Party" has the same meaning as in division (G) of 40006
section 119.01 of the Revised Code. 40007

(c) "Adjudication" has the same meaning as in division (D) of 40008
section 119.01 of the Revised Code. 40009

(2) This section does not apply to any action taken by the 40010
department of job and family services under sections 5111.35 to 40011
5111.62 of the Revised Code. 40012

(B) Except as provided in division (D) of this section, the 40013
department shall do either of the following by issuing an order 40014
pursuant to an adjudication conducted in accordance with Chapter 40015
119. of the Revised Code: 40016

(1) Enter into or refuse to enter into a provider agreement 40017
with a provider, or suspend, terminate, renew, or refuse to renew 40018
an existing provider agreement with a provider; 40019

(2) Take any action based upon a final fiscal audit of a 40020
provider. 40021

(C) Any party who is adversely affected by the issuance of an 40022
adjudication order under division (B) of this section may appeal 40023

to the court of common pleas of Franklin county in accordance with 40024
section 119.12 of the Revised Code. 40025

(D) The department is not required to comply with division 40026
(B)(1) of this section whenever any of the following occur: 40027

(1) The terms of a provider agreement require the provider to 40028
have a license, permit, or certificate issued by an official, 40029
board, commission, department, division, bureau, or other agency 40030
of state government other than the department of job and family 40031
services, and the license, permit, or certificate has been denied 40032
or revoked. 40033

(2) The provider agreement is denied, terminated, or not 40034
renewed pursuant to division (C) or (E) of section 5111.03 of the 40035
Revised Code; 40036

(3) The provider agreement is denied, terminated, or not 40037
renewed due to the provider's termination, suspension, or 40038
exclusion from the medicare program established under Title XVIII 40039
of the "Social Security Act," and the termination, suspension, or 40040
exclusion is binding on the provider's participation in the 40041
medicaid program; 40042

(4) The provider agreement is denied, terminated, or not 40043
renewed due to the provider's pleading guilty to or being 40044
convicted of a criminal activity materially related to either the 40045
medicare or medicaid program; 40046

(5) The provider agreement is denied, terminated, or 40047
suspended as a result of action by the United States department of 40048
health and human services and that action is binding on the 40049
provider's participation in the medicaid program. 40050

(E) The department may withhold payments for services 40051
rendered by a medicaid provider under the medical assistance 40052
program during the pendency of proceedings initiated under 40053
division (B)(1) of this section. If the proceedings are initiated 40054

under division (B)(2) of this section, the department may withhold 40055
payments only to the extent that they equal amounts determined in 40056
a final fiscal audit as being due the state. This division does 40057
not apply if the department fails to comply with section 119.07 of 40058
the Revised Code, requests a continuance of the hearing, or does 40059
not issue a decision within thirty days after the hearing is 40060
completed. This division does not apply to nursing facilities and 40061
intermediate care facilities for the mentally retarded ~~subject to~~ 40062
~~sections as defined in section~~ 5111.20 ~~to 5111.32~~ of the Revised 40063
Code. 40064

Sec. ~~5111.08~~ 5111.071. Commencing in December, 1986, and 40065
every second December thereafter, the director of job and family 40066
services shall establish a dispensing fee, effective the following 40067
January, for licensed pharmacists who are providers under this 40068
chapter. The dispensing fee shall take into consideration the 40069
results of the survey conducted under section 5111.07 of the 40070
Revised Code. 40071

Sec. ~~5111.16~~ 5111.08. In accordance with subsection (g) of 40072
section 1927 of the "Social Security Act," 49 Stat. 320 (1935), 42 40073
U.S.C.A. 1396r-8(g), as amended, the department of job and family 40074
services shall establish an outpatient drug use review program to 40075
assure that prescriptions obtained by recipients of medical 40076
assistance under this chapter are appropriate, medically 40077
necessary, and unlikely to cause adverse medical results. 40078

Sec. 5111.111. As used in this section, "home and 40079
community-based services" means services provided pursuant to a 40080
waiver under section 1915 of the "Social Security Act," 49 Stat. 40081
620 (1935), 42 U.S.C.A. 1396n, as amended. 40082

The department of job and family services may place a lien 40083
against the property of a medical assistance recipient or 40084

recipient's spouse, other than a recipient or spouse of a 40085
recipient of home and community-based services, that the 40086
department may recover as part of the program instituted under 40087
section 5111.11 of the Revised Code. When medical assistance is 40088
paid on behalf of any person in circumstances under which federal 40089
law and regulations and this section permit the imposition of a 40090
lien, the director of job and family services or a person 40091
designated by the director may sign a certificate to the effect. 40092
The county department of job and family services shall file for 40093
recording and indexing the certificate, or a certified copy, in 40094
the real estate mortgage records in the office of the county 40095
recorder in every county in which real property of the recipient 40096
or spouse is situated. From the time of filing the certificate in 40097
the office of the county recorder, the lien attaches to all real 40098
property of the recipient or spouse described therein for all 40099
amounts of aid which are paid or which thereafter are paid, and 40100
shall remain a lien until satisfied. 40101

Upon filing the certificate in the office of the recorder, 40102
all persons are charged with notice of the lien and the rights of 40103
the department of job and family services thereunder. 40104

The county recorder shall keep a record of every certificate 40105
filed showing its date, the time of filing, the name and residence 40106
of the recipient or spouse, and any release, waivers, or 40107
satisfaction of the lien. 40108

The priority of the lien shall be established in accordance 40109
with state and federal law. 40110

The department may waive the priority of its lien to provide 40111
for the costs of the last illness as determined by the department, 40112
administration, attorney fees, administrator fees, a sum for the 40113
payment of the costs of burial, which shall be computed by 40114
deducting from five hundred dollars whatever amount is available 40115
for the same purpose from all other sources, and a similar sum for 40116

the spouse of the decedent.

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Sec. 5111.16. (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

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The department shall implement the care management system in some or all counties and shall designate the medicaid recipients who are required or permitted to participate in the system. In the case of individuals who receive medicaid on the basis of being aged, blind, or disabled, as specified in division (A)(2) of section 5111.01 of the Revised Code, all of the following apply:

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(1) Not later than July 1, 2004, the department shall designate a portion of the individuals for participation in the care management system.

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(2) Individuals shall not be designated for participation unless they reside in a county in which individuals who receive medicaid on another basis have been designated for participation.

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(3) If, pursuant to division (B)(2) of this section, the department requires or permits the individuals to obtain health care services through managed care organizations, the department shall select the managed care organizations to be used by the individuals through a request for proposals process. The department shall issue its initial request for proposals not later than December 31, 2003.

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(B) Under the care management system, the department may do the following:

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(1) Require or permit participants in the system to obtain health care services from providers designated by the department;

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(2) Require or permit participants in the system to obtain health care services through managed care organizations under contract with the department pursuant to section 5111.17 of the Revised Code; 40147
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(3) Establish any other requirements or procedures the department considers necessary for implementation of the system. 40151
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(C) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 40153
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~~Sec. 5111.17. (A) 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 The department of job and family services may establish in some or all counties a managed care system under which designated recipients of medical assistance are required to obtain health care services from providers designated by the department.~~ 40156
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~~(B) The department may enter into contracts with managed care organizations to authorize, including health insuring corporations, under which the organizations are authorized to provide, or arrange for the provision of, health care services to medical assistance recipients participating in a who are required or permitted to obtain health care services through managed care organizations as part of the care management system established under this section 5111.16 of the Revised Code.~~ 40163
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~~(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~~ 40171
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~~to provide 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.~~

~~(D)~~(B) The director of job and family services 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~~ under contract with the department ~~under pursuant to~~ 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 ~~meet~~ meet performance standards or other requirements specified in provider agreements or rules adopted by the department. All investment earnings of the fund shall be credited to the fund. Moneys credited to the fund shall be used solely for the following purposes:

(1) To reimburse managed care organizations that have paid fines for failures to meet performance standards or other

requirements and that have come into compliance by meeting 40208
requirements as specified by the department; 40209

(2) To provide financial incentive awards established 40210
pursuant to division (A) of this section and specified in 40211
contracts between managed care organizations and the department. 40212

Sec. 5111.172. When contracting under section 5111.17 of the 40213
Revised Code with a managed care organization that is a health 40214
insuring corporation, the department of job and family services 40215
may require the health insuring corporation to provide coverage of 40216
prescription drugs for medicaid recipients enrolled in the health 40217
insuring corporation. In providing the required coverage, the 40218
health insuring corporation may, subject to the department's 40219
approval, use strategies for the management of drug utilization. 40220

Sec. 5111.173. The department of job and family services 40221
shall appoint a temporary manager for a managed care organization 40222
under contract with the department pursuant to section 5111.17 of 40223
the Revised Code if the department determines that the managed 40224
care organization has repeatedly failed to meet substantive 40225
requirements specified in section 1903(m) of the "Social Security 40226
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended; section 40227
1932 of the Social Security Act, 42 U.S.C. 1396u-2, as amended; or 40228
42 C.F.R. 438 Part I. The appointment of a temporary manager does 40229
not preclude the department from imposing other sanctions 40230
available to the department against the managed care organization. 40231

The managed care organization shall pay all costs of having 40232
the temporary manager perform the temporary manager's duties, 40233
including all costs the temporary manager incurs in performing 40234
those duties. If the temporary manager incurs costs or liabilities 40235
on behalf of the managed care organization, the managed care 40236
organization shall pay those costs and be responsible for those 40237

liabilities. 40238

The appointment of a temporary manager is not subject to 40239
Chapter 119. of the Revised Code, but the managed care 40240
organization may request a reconsideration of the appointment. 40241
Reconsiderations shall be requested and conducted in accordance 40242
with rules the director of job and family services shall adopt in 40243
accordance with Chapter 119. of the Revised Code. 40244

The appointment of a temporary manager does not cause the 40245
managed care organization to lose the right to appeal, in 40246
accordance with Chapter 119. of the Revised Code, any proposed 40247
termination or any decision not to renew the managed care 40248
organization's medicaid provider agreement or the right to 40249
initiate the sale of the managed care organization or its assets. 40250

In addition to the rules required to be adopted under this 40251
section, the director may adopt any other rules necessary to 40252
implement this section. The rules shall be adopted in accordance 40253
with Chapter 119. of the Revised Code. 40254

Sec. 5111.174. The department of job and family services may 40255
disenroll some or all medicaid recipients enrolled in a managed 40256
care organization under contract with the department pursuant to 40257
section 5111.17 of the Revised Code if the department proposes to 40258
terminate or not to renew the contract and determines that the 40259
recipients' access to medically necessary services is jeopardized 40260
by the proposal to terminate or not to renew the contract. The 40261
disenrollment is not subject to Chapter 119. of the Revised Code, 40262
but the managed care organization may request a reconsideration of 40263
the disenrollment. Reconsiderations shall be requested and 40264
conducted in accordance with rules the director of job and family 40265
services shall adopt in accordance with Chapter 119. of the 40266
Revised Code. The request for, or conduct of, a reconsideration 40267
regarding a proposed disenrollment shall not delay the 40268

disenrollment. 40269

In addition to the rules required to be adopted under this 40270
section, the director may adopt any other rules necessary to 40271
implement this section. The rules shall be adopted in accordance 40272
with Chapter 119. of the Revised Code. 40273

Sec. 5111.175. For the purpose of determining the amount the 40274
department of job and family services pays hospitals under section 40275
5112.08 of the Revised Code and the amount of disproportionate 40276
share hospital payments paid by the medicare program established 40277
under Title XVIII of the "Social Security Act," 79 Stat. 286 40278
(1965), 42 U.S.C. 1396n, as amended, a managed care organization 40279
under contract with the department pursuant to section 5111.17 of 40280
the Revised Code authorizing the organization to provide, or 40281
arrange for the provision of, hospital services to medicaid 40282
recipients shall keep detailed records for each hospital with 40283
which it contracts about the cost to the hospital of providing the 40284
services, payments made by the organization to the hospital for 40285
the services, utilization of hospital services by medicaid 40286
recipients enrolled in the organization, and other utilization 40287
data required by the department. 40288

Sec. 5111.20. As used in sections 5111.20 to ~~5111.32~~ 5111.34 40289
of the Revised Code: 40290

(A) "Allowable costs" are those costs determined by the 40291
department of job and family services to be reasonable and do not 40292
include fines paid under sections 5111.35 to 5111.61 and section 40293
5111.99 of the Revised Code. 40294

(B) "Capital costs" means costs of ownership and nonextensive 40295
renovation. 40296

(1) "Cost of ownership" means the actual expense incurred for 40297
all of the following: 40298

(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	40299 40300
(i) Buildings;	40301
(ii) Building improvements that are not approved as nonextensive renovations under section 5111.25 or 5111.251 of the Revised Code;	40302 40303 40304
(iii) Equipment;	40305
(iv) Extensive renovations;	40306
(v) Transportation equipment.	40307
(b) Amortization and interest on land improvements and leasehold improvements;	40308 40309
(c) Amortization of financing costs;	40310
(d) Except as provided in division (I) of this section, lease and rent of land, building, and equipment.	40311 40312
The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with a provider's practice.	40313 40314 40315
(2) "Costs of nonextensive renovation" means the actual expense incurred for depreciation or amortization and interest on renovations that are not extensive renovations.	40316 40317 40318
(C) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	40319 40320
(D) "Case-mix score" means the measure determined under section 5111.231 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	40321 40322 40323 40324 40325
(E) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means	40326 40327

the date specific beds were originally licensed as nursing home 40328
beds under that chapter, regardless of whether they were 40329
subsequently licensed as residential facility beds under section 40330
5123.19 of the Revised Code. For a facility originally licensed as 40331
a residential facility under section 5123.19 of the Revised Code, 40332
"date of licensure" means the date specific beds were originally 40333
licensed as residential facility beds under that section. 40334

(1) If nursing home beds licensed under Chapter 3721. of the 40335
Revised Code or residential facility beds licensed under section 40336
5123.19 of the Revised Code were not required by law to be 40337
licensed when they were originally used to provide nursing home or 40338
residential facility services, "date of licensure" means the date 40339
the beds first were used to provide nursing home or residential 40340
facility services, regardless of the date the present provider 40341
obtained licensure. 40342

(2) If a facility adds nursing home beds or residential 40343
facility beds or extensively renovates all or part of the facility 40344
after its original date of licensure, it will have a different 40345
date of licensure for the additional beds or extensively renovated 40346
portion of the facility, unless the beds are added in a space that 40347
was constructed at the same time as the previously licensed beds 40348
but was not licensed under Chapter 3721. or section 5123.19 of the 40349
Revised Code at that time. 40350

(F) "Desk-reviewed" means that costs as reported on a cost 40351
report submitted under section 5111.26 of the Revised Code have 40352
been subjected to a desk review under division (A) of section 40353
5111.27 of the Revised Code and preliminarily determined to be 40354
allowable costs. 40355

(G) "Direct care costs" means all of the following: 40356

(1)(a) Costs for registered nurses, licensed practical 40357
nurses, and nurse aides employed by the facility; 40358

(b) Costs for direct care staff, administrative nursing staff, medical directors, social services staff, activities staff, psychologists and psychology assistants, social workers and counselors, habilitation staff, qualified mental retardation professionals, program directors, respiratory therapists, habilitation supervisors, and except as provided in division (G)(2) of this section, other persons holding degrees qualifying them to provide therapy;	40359 40360 40361 40362 40363 40364 40365 40366
(c) Costs of purchased nursing services;	40367
(d) Costs of quality assurance;	40368
(e) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (G)(1)(a), (b), and (d) of this section;	40369 40370 40371 40372 40373 40374
(f) Costs of consulting and management fees related to direct care;	40375 40376
(g) Allocated direct care home office costs.	40377
(2) In addition to the costs specified in division (G)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	40378 40379 40380
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, and audiologists;	40381 40382 40383
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel	40384 40385 40386 40387 40388

listed in division (G)(2)(a) of this section. 40389

(3) Costs of other direct-care resources that are specified 40390
as direct care costs in rules adopted by the director of job and 40391
family services in accordance with Chapter 119. of the Revised 40392
Code. 40393

(H) "Fiscal year" means the fiscal year of this state, as 40394
specified in section 9.34 of the Revised Code. 40395

(I) "Indirect care costs" means all reasonable costs other 40396
than direct care costs, other protected costs, or capital costs. 40397
"Indirect care costs" includes but is not limited to costs of 40398
habilitation supplies, pharmacy consultants, medical and 40399
habilitation records, program supplies, incontinence supplies, 40400
food, enterals, dietary supplies and personnel, laundry, 40401
housekeeping, security, administration, liability insurance, 40402
bookkeeping, purchasing department, human resources, 40403
communications, travel, dues, license fees, subscriptions, home 40404
office costs not otherwise allocated, legal services, accounting 40405
services, minor equipment, maintenance and repairs, help-wanted 40406
advertising, informational advertising, ~~consumer satisfaction~~ 40407
~~survey fees paid under section 173.55 of the Revised Code,~~ 40408
start-up costs, organizational expenses, other interest, property 40409
insurance, employee training and staff development, employee 40410
benefits, payroll taxes, and workers' compensation premiums or 40411
costs for self-insurance claims and related costs as specified in 40412
rules adopted by the director of job and family services in 40413
accordance with Chapter 119. of the Revised Code, for personnel 40414
listed in this division. Notwithstanding division (B)(1) of this 40415
section, "indirect care costs" also means the cost of equipment, 40416
including vehicles, acquired by operating lease executed before 40417
December 1, 1992, if the costs are reported as administrative and 40418
general costs on the facility's cost report for the cost reporting 40419
period ending December 31, 1992. 40420

(J) "Inpatient days" means all days during which a resident, 40421
regardless of payment source, occupies a bed in a nursing facility 40422
or intermediate care facility for the mentally retarded that is 40423
included in the facility's certified capacity under Title XIX of 40424
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301, 40425
as amended. Therapeutic or hospital leave days for which payment 40426
is made under section 5111.33 of the Revised Code are considered 40427
inpatient days proportionate to the percentage of the facility's 40428
per resident per day rate paid for those days. 40429

(K) "Intermediate care facility for the mentally retarded" 40430
means an intermediate care facility for the mentally retarded 40431
certified as in compliance with applicable standards for the 40432
medical assistance program by the director of health in accordance 40433
with Title XIX of the "Social Security Act." 40434

(L) "Maintenance and repair expenses" means, except as 40435
provided in division ~~(X)~~(Y)(2) of this section, expenditures that 40436
are necessary and proper to maintain an asset in a normally 40437
efficient working condition and that do not extend the useful life 40438
of the asset two years or more. "Maintenance and repair expenses" 40439
includes but is not limited to the cost of ordinary repairs such 40440
as painting and wallpapering. 40441

(M) "Nursing facility" means a facility, or a distinct part 40442
of a facility, that is certified as a nursing facility by the 40443
director of health in accordance with Title XIX of the "Social 40444
Security Act," and is not an intermediate care facility for the 40445
mentally retarded. "Nursing facility" includes a facility, or a 40446
distinct part of a facility, that is certified as a nursing 40447
facility by the director of health in accordance with Title XIX of 40448
the "Social Security Act," and is certified as a skilled nursing 40449
facility by the director in accordance with Title XVIII of the 40450
"Social Security Act." 40451

(N) "Operator" means the person or government entity 40452
responsible for the daily operating and management decisions for a 40453
nursing facility or intermediate care facility for the mentally 40454
retarded. 40455

(O) "Other protected costs" means costs for medical supplies; 40456
real estate, franchise, and property taxes; natural gas, fuel oil, 40457
water, electricity, sewage, and refuse and hazardous medical waste 40458
collection; allocated other protected home office costs; and any 40459
additional costs defined as other protected costs in rules adopted 40460
by the director of job and family services in accordance with 40461
Chapter 119. of the Revised Code. 40462

~~(O)~~(P) "Owner" means any person or government entity that has 40463
at least five per cent ownership or interest, either directly, 40464
indirectly, or in any combination, in any of the following 40465
regarding a nursing facility or intermediate care facility for the 40466
mentally retarded: 40467

(a) The land on which the facility is located; 40468

(b) The structure in which the facility is located; 40469

(c) Any mortgage, contract for deed, or other obligation 40470
secured in whole or in part by the land or structure on or in 40471
which the facility is located; 40472

(d) Any lease or sublease of the land or structure on or in 40473
which the facility is located. 40474

(2) "Owner" does not mean a holder of a debenture or bond 40475
related to the nursing facility or intermediate care facility for 40476
the mentally retarded and purchased at public issue or a regulated 40477
lender that has made a loan related to the facility unless the 40478
holder or lender operates the facility directly or through a 40479
subsidiary. 40480

~~(P)~~(Q) "Patient" includes "resident." 40481

~~(Q)~~(R) Except as provided in divisions ~~(Q)~~(R)(1) and (2) of 40482
this section, "per diem" means a nursing facility's or 40483
intermediate care facility for the mentally retarded's actual, 40484
allowable costs in a given cost center in a cost reporting period, 40485
divided by the facility's inpatient days for that cost reporting 40486
period. 40487

(1) When calculating indirect care costs for the purpose of 40488
establishing rates under section 5111.24 or 5111.241 of the 40489
Revised Code, "per diem" means a facility's actual, allowable 40490
indirect care costs in a cost reporting period divided by the 40491
greater of the facility's inpatient days for that period or the 40492
number of inpatient days the facility would have had during that 40493
period if its occupancy rate had been eighty-five per cent. 40494

(2) When calculating capital costs for the purpose of 40495
establishing rates under section 5111.25 or 5111.251 of the 40496
Revised Code, "per diem" means a facility's actual, allowable 40497
capital costs in a cost reporting period divided by the greater of 40498
the facility's inpatient days for that period or the number of 40499
inpatient days the facility would have had during that period if 40500
its occupancy rate had been ninety-five per cent. 40501

~~(R)~~(S) "Provider" means a person or government entity that 40502
operates a nursing facility or intermediate care facility for the 40503
mentally retarded under a provider agreement. 40504

~~(S)~~(T) "Provider agreement" means a contract between the 40505
department of job and family services and a nursing facility or 40506
intermediate care facility for the mentally retarded for the 40507
provision of nursing facility services or intermediate care 40508
facility services for the mentally retarded under the medical 40509
assistance program. 40510

~~(T)~~(U) "Purchased nursing services" means services that are 40511
provided in a nursing facility by registered nurses, licensed 40512

practical nurses, or nurse aides who are not employees of the 40513
facility. 40514

~~(U)~~(V) "Reasonable" means that a cost is an actual cost that 40515
is appropriate and helpful to develop and maintain the operation 40516
of patient care facilities and activities, including normal 40517
standby costs, and that does not exceed what a prudent buyer pays 40518
for a given item or services. Reasonable costs may vary from 40519
provider to provider and from time to time for the same provider. 40520

~~(V)~~(W) "Related party" means an individual or organization 40521
that, to a significant extent, has common ownership with, is 40522
associated or affiliated with, has control of, or is controlled 40523
by, the provider. 40524

(1) An individual who is a relative of an owner is a related 40525
party. 40526

(2) Common ownership exists when an individual or individuals 40527
possess significant ownership or equity in both the provider and 40528
the other organization. Significant ownership or equity exists 40529
when an individual or individuals possess five per cent ownership 40530
or equity in both the provider and a supplier. Significant 40531
ownership or equity is presumed to exist when an individual or 40532
individuals possess ten per cent ownership or equity in both the 40533
provider and another organization from which the provider 40534
purchases or leases real property. 40535

(3) Control exists when an individual or organization has the 40536
power, directly or indirectly, to significantly influence or 40537
direct the actions or policies of an organization. 40538

(4) An individual or organization that supplies goods or 40539
services to a provider shall not be considered a related party if 40540
all of the following conditions are met: 40541

(a) The supplier is a separate bona fide organization. 40542

(b) A substantial part of the supplier's business activity of 40543
the type carried on with the provider is transacted with others 40544
than the provider and there is an open, competitive market for the 40545
types of goods or services the supplier furnishes. 40546

(c) The types of goods or services are commonly obtained by 40547
other nursing facilities or intermediate care facilities for the 40548
mentally retarded from outside organizations and are not a basic 40549
element of patient care ordinarily furnished directly to patients 40550
by the facilities. 40551

(d) The charge to the provider is in line with the charge for 40552
the goods or services in the open market and no more than the 40553
charge made under comparable circumstances to others by the 40554
supplier. 40555

~~(W)~~(X) "Relative of owner" means an individual who is related 40556
to an owner of a nursing facility or intermediate care facility 40557
for the mentally retarded by one of the following relationships: 40558

- (1) Spouse; 40559
- (2) Natural parent, child, or sibling; 40560
- (3) Adopted parent, child, or sibling; 40561
- (4) Step-parent, step-child, step-brother, or step-sister; 40562
- (5) Father-in-law, mother-in-law, son-in-law, 40563
daughter-in-law, brother-in-law, or sister-in-law; 40564
- (6) Grandparent or grandchild; 40565
- (7) Foster caregiver, foster child, foster brother, or foster 40566
sister. 40567

~~(X)~~(Y) "Renovation" and "extensive renovation" mean: 40568

- (1) Any betterment, improvement, or restoration of a nursing 40569
facility or intermediate care facility for the mentally retarded 40570
started before July 1, 1993, that meets the definition of a 40571

renovation or extensive renovation established in rules adopted by 40572
the director of job and family services in effect on December 22, 40573
1992. 40574

(2) In the case of betterments, improvements, and 40575
restorations of nursing facilities and intermediate care 40576
facilities for the mentally retarded started on or after July 1, 40577
1993: 40578

(a) "Renovation" means the betterment, improvement, or 40579
restoration of a nursing facility or intermediate care facility 40580
for the mentally retarded beyond its current functional capacity 40581
through a structural change that costs at least five hundred 40582
dollars per bed. A renovation may include betterment, improvement, 40583
restoration, or replacement of assets that are affixed to the 40584
building and have a useful life of at least five years. A 40585
renovation may include costs that otherwise would be considered 40586
maintenance and repair expenses if they are an integral part of 40587
the structural change that makes up the renovation project. 40588
"Renovation" does not mean construction of additional space for 40589
beds that will be added to a facility's licensed or certified 40590
capacity. 40591

(b) "Extensive renovation" means a renovation that costs more 40592
than sixty-five per cent and no more than eighty-five per cent of 40593
the cost of constructing a new bed and that extends the useful 40594
life of the assets for at least ten years. 40595

For the purposes of division ~~(X)~~(Y)(2) of this section, the 40596
cost of constructing a new bed shall be considered to be forty 40597
thousand dollars, adjusted for the estimated rate of inflation 40598
from January 1, 1993, to the end of the calendar year during which 40599
the renovation is completed, using the consumer price index for 40600
shelter costs for all urban consumers for the north central 40601
region, as published by the United States bureau of labor 40602
statistics. 40603

The department of job and family services may treat a 40604
renovation that costs more than eighty-five per cent of the cost 40605
of constructing new beds as an extensive renovation if the 40606
department determines that the renovation is more prudent than 40607
construction of new beds. 40608

Sec. 5111.206. (A) As used in this section, "nursing 40609
facility" has the same meaning as in section 5111.20 of the 40610
Revised Code. 40611

(B) To the extent funds are available, the director of job 40612
and family services may establish the Ohio access success project 40613
to help medicaid recipients make the transition from residing in a 40614
nursing facility to residing in a community setting. The program 40615
may be established as a separate non-medicaid program or 40616
integrated into a new or existing program of Medicaid home and 40617
community-based services program based on a waiver approved by the 40618
federal centers for medicare and medicaid services. The department 40619
may limit the number of program participants. 40620

To be eligible for benefits under the project, a medicaid 40621
recipient must satisfy all of the following requirements: 40622

(1) Be a recipient of medicaid-funded nursing facility care, 40623
at the time of applying for the benefits; 40624

(2) Have resided continuously in a nursing facility since 40625
January 1, 2002; 40626

(3) Need the level of care provided by nursing facilities; 40627

(4) For participation in a non-medicaid program, receive 40628
services to remain in the community with a projected cost not 40629
exceeding eighty per cent of the average monthly medicaid cost of 40630
a medicaid recipient in a nursing facility; 40631

(5) For participation in a program established as part of a 40632
home and community-based services program that is based on a 40633

waiver, meet waiver enrollment criteria. 40634

(C) If the director establishes the Ohio access success project, the benefits provided under the project may include payment of all of the following: 40635
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(1) The first month's rent in a community setting; 40638

(2) Rental deposits; 40639

(3) Utility deposits; 40640

(4) Moving expenses; 40641

(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting. 40642
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(D) If the project is established as a non-medicaid program, no participant may receive more than two thousand dollars worth of benefits under the project. 40645
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(E) The director 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. 1396n, as amended, to create a medicaid home and community-based services waiver programs to serve individuals who meet the criteria for participation in the Ohio access success project. The director may adopt rules under Chapter 119. of the Revised Code for the administration and operation of the program. 40648
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Sec. 5111.21. (A) Subject to sections 5111.01, 5111.011, 5111.012, ~~and~~ 5111.02, and 5111.6810 of the Revised Code, the department of job and family services shall pay, as provided in sections 5111.20 to 5111.32 of the Revised Code, the reasonable costs of services provided to an eligible medicaid recipient by an eligible nursing facility or intermediate care facility for the mentally retarded. 40656
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In order to be eligible for medical assistance payments, an operator of a nursing facility or intermediate care facility for the mentally retarded shall do all of the following: 40663
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(1) Enter into a provider agreement with the department as provided in section 5111.22, 5111.251, or 5111.252 of the Revised Code; 40666
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(2) Apply for and maintain a valid license to operate if so required by law; 40669
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(3) Comply with all applicable state and federal laws and rules. 40671
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(B) ~~A An operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicare medicaid program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended may shall qualify all or part of the facility of the facility's medicaid-certified beds in the medicare program established by Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395. The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 40673
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Sec. 5111.211. (A) The department of mental retardation and developmental disabilities is responsible for the nonfederal share of claims submitted for services that are covered by the medicaid program and provided to an eligible medicaid recipient by an intermediate care facility for the mentally retarded if all of the following are the case: 40683
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(1) The services are provided on or after July 1, 2003; 40689

(2) The facility receives initial certification by the director of health as an intermediate care facility for the mentally retarded on or after January 1, 2003; 40690
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(3) The facility, or a portion of the facility, is licensed 40693
by the director of mental retardation and developmental 40694
disabilities as a residential facility under section 5123.19 of 40695
the Revised Code; 40696

(4) There is a valid provider agreement for the facility. 40697

(B) Each month, the department of job and family services 40698
shall invoice the department of mental retardation and 40699
developmental disabilities by interagency transfer voucher for the 40700
claims for which the department of mental retardation and 40701
developmental disabilities is responsible pursuant to this 40702
section. 40703

Sec. 5111.22. A provider agreement between the department of 40704
job and family services and an operator of a nursing facility or 40705
intermediate care facility for the mentally retarded shall contain 40706
the following provisions: 40707

(A) The department agrees to+ 40708

~~(1) Make~~ make payments to the nursing facility or 40709
intermediate care facility for the mentally retarded for patients 40710
eligible for services under the medical assistance program as 40711
provided in sections 5111.20 to 5111.32 of the Revised Code. No 40712
payment shall be made for the day a recipient is discharged from 40713
the facility. 40714

~~(2) Provide copies of rules governing the facility's~~ 40715
~~participation as a provider in the medical assistance program.~~ 40716
~~Whenever the director of job and family services files a proposed~~ 40717
~~rule or proposed rule in revised form under division (D) of~~ 40718
~~section 111.15 or division (B) of section 119.03 of the Revised~~ 40719
~~Code, the department shall provide the facility with one copy of~~ 40720
~~such rule. In the case of a rescission or proposed rescission of a~~ 40721
~~rule, the department may provide the rule number and title instead~~ 40722

of the rules rescinded or proposed to be rescinded.	40723
(B) The provider <u>operator</u> agrees to:	40724
(1) Maintain eligibility as provided in section 5111.21 of the Revised Code;	40725 40726
(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;	40727 40728 40729 40730 40731
(3) File reports as required by the department;	40732
(4) Open all records relating to the costs of its services for inspection and audit by the department;	40733 40734
(5) Open its premises for inspection by the department, the department of health, and any other state or local authority having authority to inspect;	40735 40736 40737
(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;	40738 40739 40740
(7) Comply with section 5111.31 of the Revised Code.	40741
The provider agreement may contain other provisions that are consistent with law and considered necessary by the department.	40742 40743
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.	40744 40745 40746 40747 40748 40749
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	40750 40751 40752

terminate a provider agreement when the department determines that 40753
such an agreement would not be in the best interests of the 40754
recipients or of the state. 40755

Sec. 5111.222. An operator of a nursing facility or 40756
intermediate care facility for the mentally retarded may enter 40757
into provider agreements for more than one nursing facility or 40758
intermediate care facility for the mentally retarded. 40759

Sec. 5111.25. (A) The department of job and family services 40760
shall pay each eligible nursing facility a per resident per day 40761
rate for its reasonable capital costs established prospectively 40762
each fiscal year for each facility. Except as otherwise provided 40763
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 40764
be based on the facility's capital costs for the calendar year 40765
preceding the fiscal year in which the rate will be paid. The rate 40766
shall equal the sum of divisions (A)(1) to (3) of this section: 40767

(1) The lesser of the following: 40768

(a) Eighty-eight and sixty-five one-hundredths per cent of 40769
the facility's desk-reviewed, actual, allowable, per diem cost of 40770
ownership and eighty-five per cent of the facility's actual, 40771
allowable, per diem cost of nonextensive renovation determined 40772
under division (F) of this section; 40773

(b) Eighty-eight and sixty-five one-hundredths per cent of 40774
the following limitation: 40775

(i) For the fiscal year beginning July 1, 1993, sixteen 40776
dollars per resident day; 40777

(ii) For the fiscal year beginning July 1, 1994, sixteen 40778
dollars per resident day, adjusted to reflect the rate of 40779
inflation for the twelve-month period beginning July 1, 1992, and 40780
ending June 30, 1993, using the consumer price index for shelter 40781
costs for all urban consumers for the north central region, 40782

published by the United States bureau of labor statistics; 40783

(iii) For subsequent fiscal years, the limitation in effect 40784
during the previous fiscal year, adjusted to reflect the rate of 40785
inflation for the twelve-month period beginning on the first day 40786
of July for the calendar year preceding the calendar year that 40787
precedes the fiscal year and ending on the following thirtieth day 40788
of June, using the consumer price index for shelter costs for all 40789
urban consumers for the north central region, published by the 40790
United States bureau of labor statistics. 40791

(2) Any efficiency incentive determined under division (D) of 40792
this section; 40793

(3) Any amounts for return on equity determined under 40794
division (H) of this section. 40795

Buildings shall be depreciated using the straight line method 40796
over forty years or over a different period approved by the 40797
department. Components and equipment shall be depreciated using 40798
the straight-line method over a period designated in rules adopted 40799
by the director of job and family services in accordance with 40800
Chapter 119. of the Revised Code, consistent with the guidelines 40801
of the American hospital association, or over a different period 40802
approved by the department. Any rules adopted under this division 40803
that specify useful lives of buildings, components, or equipment 40804
apply only to assets acquired on or after July 1, 1993. 40805
Depreciation for costs paid or reimbursed by any government agency 40806
shall not be included in cost of ownership or renovation unless 40807
that part of the payment under sections 5111.20 to 5111.32 of the 40808
Revised Code is used to reimburse the government agency. 40809

(B) The capital cost basis of nursing facility assets shall 40810
be determined in the following manner: 40811

(1) For purposes of calculating the rate to be paid for the 40812
fiscal year beginning July 1, 1993, for facilities with dates of 40813

licensure on or before June 30, 1993, the capital cost basis shall 40814
be equal to the following: 40815

(a) For facilities that have not had a change of ownership 40816
during the period beginning January 1, 1993, and ending June 30, 40817
1993, the desk-reviewed, actual, allowable capital cost basis that 40818
is listed on the facility's cost report for the cost reporting 40819
period ending December 31, 1992, plus the actual, allowable 40820
capital cost basis of any assets constructed or acquired after 40821
December 31, 1992, but before July 1, 1993, if the aggregate 40822
capital costs of those assets would increase the facility's rate 40823
for capital costs by twenty or more cents per resident per day. 40824

(b) For facilities that have a date of licensure or had a 40825
change of ownership during the period beginning January 1, 1993, 40826
and ending June 30, 1993, the actual, allowable capital cost basis 40827
of the person or government entity that owns the facility on June 40828
30, 1993. 40829

Capital cost basis shall be calculated as provided in 40830
division (B)(1) of this section subject to approval by the United 40831
States health care financing administration of any necessary 40832
amendment to the state plan for providing medical assistance. 40833

The department shall include the actual, allowable capital 40834
cost basis of assets constructed or acquired during the period 40835
beginning January 1, 1993, and ending June 30, 1993, in the 40836
calculation for the facility's rate effective July 1, 1993, if the 40837
aggregate capital costs of the assets would increase the 40838
facility's rate by twenty or more cents per resident per day and 40839
the facility provides the department with sufficient documentation 40840
of the costs before June 1, 1993. If the facility provides the 40841
documentation after that date, the department shall adjust the 40842
facility's rate to reflect the costs of the assets one month after 40843
the first day of the month after the department receives the 40844
documentation. 40845

(2) Except as provided in division (B)(4) of this section, 40846
for purposes of calculating the rates to be paid for fiscal years 40847
beginning after June 30, 1994, for facilities with dates of 40848
licensure on or before June 30, 1993, the capital cost basis of 40849
each asset shall be equal to the desk-reviewed, actual, allowable, 40850
capital cost basis that is listed on the facility's cost report 40851
for the calendar year preceding the fiscal year during which the 40852
rate will be paid. 40853

(3) For facilities with dates of licensure after June 30, 40854
1993, the capital cost basis shall be determined in accordance 40855
with the principles of the medicare program established under 40856
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 40857
U.S.C.A. 301, as amended, except as otherwise provided in sections 40858
5111.20 to 5111.32 of the Revised Code. 40859

(4) Except as provided in division (B)(5) of this section, if 40860
a provider transfers an interest in a facility to another provider 40861
after June 30, 1993, there shall be no increase in the capital 40862
cost basis of the asset if the providers are related parties. If 40863
the providers are not related parties or if they are related 40864
parties and division (B)(5) of this section requires the 40865
adjustment of the capital cost basis under this division, the 40866
basis of the asset shall be adjusted by the lesser of the 40867
following: 40868

(a) One-half of the change in construction costs during the 40869
time that the transferor held the asset, as calculated by the 40870
department of job and family services using the "Dodge building 40871
cost indexes, northeastern and north central states," published by 40872
Marshall and Swift; 40873

(b) One-half of the change in the consumer price index for 40874
all items for all urban consumers, as published by the United 40875
States bureau of labor statistics, during the time that the 40876

transferor held the asset. 40877

(5) If a provider transfers an interest in a facility to 40878
another provider who is a related party, the capital cost basis of 40879
the asset shall be adjusted as specified in division (B)(4) of 40880
this section for a transfer to a provider that is not a related 40881
party if all of the following conditions are met: 40882

(a) The related party is a relative of owner; 40883

(b) Except as provided in division (B)(5)(c)(ii) of this 40884
section, the provider making the transfer retains no ownership 40885
interest in the facility; 40886

(c) The department of job and family services determines that 40887
the transfer is an arm's length transaction pursuant to rules the 40888
department shall adopt in accordance with Chapter 119. of the 40889
Revised Code no later than December 31, 2000. The rules shall 40890
provide that a transfer is an arm's length transaction if all of 40891
the following apply: 40892

(i) Once the transfer goes into effect, the provider that 40893
made the transfer has no direct or indirect interest in the 40894
provider that acquires the facility or the facility itself, 40895
including interest as an owner, officer, director, employee, 40896
independent contractor, or consultant, but excluding interest as a 40897
creditor. 40898

(ii) The provider that made the transfer does not reacquire 40899
an interest in the facility except through the exercise of a 40900
creditor's rights in the event of a default. If the provider 40901
reacquires an interest in the facility in this manner, the 40902
department shall treat the facility as if the transfer never 40903
occurred when the department calculates its reimbursement rates 40904
for capital costs. 40905

(iii) The transfer satisfies any other criteria specified in 40906
the rules. 40907

(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 40939
lessor's entire historical capital asset cost basis, adjusted by 40940
the lesser of the following amounts: 40941

(a) One-half of the change in construction costs during the 40942
time the lessor held each asset until the beginning of the lease, 40943
as calculated by the department using the "Dodge building cost 40944
indexes, northeastern and north central states," published by 40945
Marshall and Swift; 40946

(b) One-half of the change in the consumer price index for 40947
all items for all urban consumers, as published by the United 40948
States bureau of labor statistics, during the time the lessor held 40949
each asset until the beginning of the lease. 40950

(3) Subject to the limitation specified in division (A)(1) of 40951
this section, for a lease of a facility with a date of licensure 40952
on or after May 27, 1992, that is initially operated under a 40953
lease, actual, allowable cost of ownership shall include the 40954
annual lease expense if there was a substantial commitment of 40955
money for construction of the facility after December 22, 1992, 40956
and before July 1, 1993. If there was not a substantial commitment 40957
of money after December 22, 1992, and before July 1, 1993, actual, 40958
allowable cost of ownership shall include the lesser of the annual 40959
lease expense or the sum of the following: 40960

(a) The annual depreciation expense that would be calculated 40961
at the inception of the lease using the lessor's entire historical 40962
capital asset cost basis; 40963

(b) The greater of the lessor's actual annual amortization of 40964
financing costs and interest expense at the inception of the lease 40965
or the imputed interest expense calculated at the inception of the 40966
lease using seventy per cent of the lessor's historical capital 40967
asset cost basis. 40968

(4) Subject to the limitation specified in division (A)(1) of 40969

this section, for a lease of a facility with a date of licensure 40970
on or after May 27, 1992, that was not initially operated under a 40971
lease and has been in existence for ten years, actual, allowable 40972
cost of ownership shall include the lesser of the annual lease 40973
expense or the annual depreciation expense and imputed interest 40974
expense that would be calculated at the inception of the lease 40975
using the entire historical capital asset cost basis of the 40976
lessor, adjusted by the lesser of the following: 40977

(a) One-half of the change in construction costs during the 40978
time the lessor held each asset until the beginning of the lease, 40979
as calculated by the department using the "Dodge building cost 40980
indexes, northeastern and north central states," published by 40981
Marshall and Swift; 40982

(b) One-half of the change in the consumer price index for 40983
all items for all urban consumers, as published by the United 40984
States bureau of labor statistics, during the time the lessor held 40985
each asset until the beginning of the lease. 40986

(5) Subject to the limitation specified in division (A)(1) of 40987
this section, for a new lease of a facility that was operated 40988
under a lease on May 27, 1992, actual, allowable cost of ownership 40989
shall include the lesser of the annual new lease expense or the 40990
annual old lease payment. If the old lease was in effect for ten 40991
years or longer, the old lease payment from the beginning of the 40992
old lease shall be adjusted by the lesser of the following: 40993

(a) One-half of the change in construction costs from the 40994
beginning of the old lease to the beginning of the new lease, as 40995
calculated by the department using the "Dodge building cost 40996
indexes, northeastern and north central states," published by 40997
Marshall and Swift; 40998

(b) One-half of the change in the consumer price index for 40999
all items for all urban consumers, as published by the United 41000

States bureau of labor statistics, from the beginning of the old 41001
lease to the beginning of the new lease. 41002

(6) Subject to the limitation specified in division (A)(1) of 41003
this section, for a new lease of a facility that was not in 41004
existence or that was in existence but not operated under a lease 41005
on May 27, 1992, actual, allowable cost of ownership shall include 41006
the lesser of annual new lease expense or the annual amount 41007
calculated for the old lease under division (C)(2), (3), (4), or 41008
(6) of this section, as applicable. If the old lease was in effect 41009
for ten years or longer, the lessor's historical capital asset 41010
cost basis shall be adjusted by the lesser of the following for 41011
purposes of calculating the annual amount under division (C)(2), 41012
(3), (4), or (6) of this section: 41013

(a) One-half of the change in construction costs from the 41014
beginning of the old lease to the beginning of the new lease, as 41015
calculated by the department using the "Dodge building cost 41016
indexes, northeastern and north central states," published by 41017
Marshall and Swift; 41018

(b) One-half of the change in the consumer price index for 41019
all items for all urban consumers, as published by the United 41020
States bureau of labor statistics, from the beginning of the old 41021
lease to the beginning of the new lease. 41022

In the case of a lease under division (C)(3) of this section 41023
of a facility for which a substantial commitment of money was made 41024
after December 22, 1992, and before July 1, 1993, the old lease 41025
payment shall be adjusted for the purpose of determining the 41026
annual amount. 41027

(7) For any revision of a lease described in division (C)(1), 41028
(2), (3), (4), (5), or (6) of this section, or for any subsequent 41029
lease of a facility operated under such a lease, other than 41030
execution of a new lease, the portion of actual, allowable cost of 41031

ownership attributable to the lease shall be the same as before 41032
the revision or subsequent lease. 41033

(8) Except as provided in division (C)(9) of this section, if 41034
a provider leases an interest in a facility to another provider 41035
who is a related party, the related party's actual, allowable cost 41036
of ownership shall include the lesser of the annual lease expense 41037
or the reasonable cost to the lessor. 41038

(9) If a provider leases an interest in a facility to another 41039
provider who is a related party, regardless of the date of the 41040
lease, the related party's actual, allowable cost of ownership 41041
shall include the annual lease expense, subject to the limitations 41042
specified in divisions (C)(1) to (7) of this section, if all of 41043
the following conditions are met: 41044

(a) The related party is a relative of owner; 41045

(b) If the lessor retains an ownership interest, it is, 41046
except as provided in division (C)(9)(c)(ii) of this section, in 41047
only the real property and any improvements on the real property; 41048

(c) The department of job and family services determines that 41049
the lease is an arm's length transaction pursuant to rules the 41050
department shall adopt in accordance with Chapter 119. of the 41051
Revised Code no later than December 31, 2000. The rules shall 41052
provide that a lease is an arm's length transaction if all of the 41053
following apply: 41054

(i) Once the lease goes into effect, the lessor has no direct 41055
or indirect interest in the lessee or, except as provided in 41056
division (C)(9)(b) of this section, the facility itself, including 41057
interest as an owner, officer, director, employee, independent 41058
contractor, or consultant, but excluding interest as a lessor. 41059

(ii) The lessor does not reacquire an interest in the 41060
facility except through the exercise of a lessor's rights in the 41061
event of a default. If the lessor reacquires an interest in the 41062

facility in this manner, the department shall treat the facility 41063
as if the lease never occurred when the department calculates its 41064
reimbursement rates for capital costs. 41065

(iii) The lease satisfies any other criteria specified in the 41066
rules. 41067

(d) Except in the case of hardship caused by a catastrophic 41068
event, as determined by the department, or in the case of a lessor 41069
who is at least sixty-five years of age, not less than twenty 41070
years have elapsed since, for the same facility, the capital cost 41071
basis was adjusted most recently under division (B)(5) of this 41072
section or actual, allowable cost of ownership was determined most 41073
recently under division (C)(9) of this section. 41074

(10) This division does not apply to leases of specific items 41075
of equipment. 41076

(D)(1) Subject to division (D)(2) of this section, the 41077
department shall pay each nursing facility an efficiency incentive 41078
that is equal to fifty per cent of the difference between the 41079
following: 41080

(a) Eighty-eight and sixty-five one-hundredths per cent of 41081
the facility's desk-reviewed, actual, allowable, per diem cost of 41082
ownership; 41083

(b) The applicable amount specified in division (E) of this 41084
section. 41085

(2) The efficiency incentive paid to a nursing facility shall 41086
not exceed the greater of the following: 41087

(a) The efficiency incentive the facility was paid during the 41088
fiscal year ending June 30, 1994; 41089

(b) Three dollars per resident per day, adjusted annually for 41090
rates paid beginning July 1, 1994, for the inflation rate for the 41091
twelve-month period beginning on the first day of July of the 41092

calendar year preceding the calendar year that precedes the fiscal 41093
year for which the efficiency incentive is determined and ending 41094
on the thirtieth day of the following June, using the consumer 41095
price index for shelter costs for all urban consumers for the 41096
north central region, as published by the United States bureau of 41097
labor statistics. 41098

(3) For purposes of calculating the efficiency incentive, 41099
depreciation for costs that are paid or reimbursed by any 41100
government agency shall be considered as costs of ownership, and 41101
renovation costs that are paid under division (F) of this section 41102
shall not be considered costs of ownership. 41103

(E) The following amounts shall be used to calculate 41104
efficiency incentives for nursing facilities under this section: 41105

(1) For facilities with dates of licensure prior to January 41106
1, 1958, four dollars and twenty-four cents per patient day; 41107

(2) For facilities with dates of licensure after December 31, 41108
1957, but prior to January 1, 1968: 41109

(a) Five dollars and twenty-four cents per patient day if the 41110
cost of construction was three thousand five hundred dollars or 41111
more per bed; 41112

(b) Four dollars and twenty-four cents per patient day if the 41113
cost of construction was less than three thousand five hundred 41114
dollars per bed. 41115

(3) For facilities with dates of licensure after December 31, 41116
1967, but prior to January 1, 1976: 41117

(a) Six dollars and twenty-four cents per patient day if the 41118
cost of construction was five thousand one hundred fifty dollars 41119
or more per bed; 41120

(b) Five dollars and twenty-four cents per patient day if the 41121
cost of construction was less than five thousand one hundred fifty 41122

dollars per bed, but exceeded three thousand five hundred dollars 41123
per bed; 41124

(c) Four dollars and twenty-four cents per patient day if the 41125
cost of construction was three thousand five hundred dollars or 41126
less per bed. 41127

(4) For facilities with dates of licensure after December 31, 41128
1975, but prior to January 1, 1979: 41129

(a) Seven dollars and twenty-four cents per patient day if 41130
the cost of construction was six thousand eight hundred dollars or 41131
more per bed; 41132

(b) Six dollars and twenty-four cents per patient day if the 41133
cost of construction was less than six thousand eight hundred 41134
dollars per bed but exceeded five thousand one hundred fifty 41135
dollars per bed; 41136

(c) Five dollars and twenty-four cents per patient day if the 41137
cost of construction was five thousand one hundred fifty dollars 41138
or less per bed, but exceeded three thousand five hundred dollars 41139
per bed; 41140

(d) Four dollars and twenty-four cents per patient day if the 41141
cost of construction was three thousand five hundred dollars or 41142
less per bed. 41143

(5) For facilities with dates of licensure after December 31, 41144
1978, but prior to January 1, 1981: 41145

(a) Seven dollars and seventy-four cents per patient day if 41146
the cost of construction was seven thousand six hundred 41147
twenty-five dollars or more per bed; 41148

(b) Seven dollars and twenty-four cents per patient day if 41149
the cost of construction was less than seven thousand six hundred 41150
twenty-five dollars per bed but exceeded six thousand eight 41151
hundred dollars per bed; 41152

(c) Six dollars and twenty-four cents per patient day if the 41153
cost of construction was six thousand eight hundred dollars or 41154
less per bed but exceeded five thousand one hundred fifty dollars 41155
per bed; 41156

(d) Five dollars and twenty-four cents per patient day if the 41157
cost of construction was five thousand one hundred fifty dollars 41158
or less but exceeded three thousand five hundred dollars per bed; 41159

(e) Four dollars and twenty-four cents per patient day if the 41160
cost of construction was three thousand five hundred dollars or 41161
less per bed. 41162

(6) For facilities with dates of licensure in 1981 or any 41163
year thereafter prior to December 22, 1992, the following amount: 41164

(a) For facilities with construction costs less than seven 41165
thousand six hundred twenty-five dollars per bed, the applicable 41166
amounts for the construction costs specified in divisions 41167
(E)(5)(b) to (e) of this section; 41168

(b) For facilities with construction costs of seven thousand 41169
six hundred twenty-five dollars or more per bed, six dollars per 41170
patient day, provided that for 1981 and annually thereafter prior 41171
to December 22, 1992, the department shall do both of the 41172
following to the six-dollar amount: 41173

(i) Adjust the amount for fluctuations in construction costs 41174
calculated by the department using the "Dodge building cost 41175
indexes, northeastern and north central states," published by 41176
Marshall and Swift, using 1980 as the base year; 41177

(ii) Increase the amount, as adjusted for inflation under 41178
division (E)(6)(b)(i) of this section, by one dollar and 41179
seventy-four cents. 41180

(7) For facilities with dates of licensure on or after 41181
January 1, 1992, seven dollars and ninety-seven cents, adjusted 41182

for fluctuations in construction costs between 1991 and 1993 as 41183
calculated by the department using the "Dodge building cost 41184
indexes, northeastern and north central states," published by 41185
Marshall and Swift, and then increased by one dollar and 41186
seventy-four cents. 41187

For the fiscal year that begins July 1, 1994, each of the 41188
amounts listed in divisions (E)(1) to (7) of this section shall be 41189
increased by twenty-five cents. For the fiscal year that begins 41190
July 1, 1995, each of those amounts shall be increased by an 41191
additional twenty-five cents. For subsequent fiscal years, each of 41192
those amounts, as increased for the prior fiscal year, shall be 41193
adjusted to reflect the rate of inflation for the twelve-month 41194
period beginning on the first day of July of the calendar year 41195
preceding the calendar year that precedes the fiscal year and 41196
ending on the following thirtieth day of June, using the consumer 41197
price index for shelter costs for all urban consumers for the 41198
north central region, as published by the United States bureau of 41199
labor statistics. 41200

If the amount established for a nursing facility under this 41201
division is less than the amount that applied to the facility 41202
under division (B) of former section 5111.25 of the Revised Code, 41203
as the former section existed immediately prior to December 22, 41204
1992, the amount used to calculate the efficiency incentive for 41205
the facility under division (D)(2) of this section shall be the 41206
amount that was calculated under division (B) of the former 41207
section. 41208

(F) Beginning July 1, 1993, regardless of the facility's date 41209
of licensure or the date of the nonextensive renovations, the rate 41210
for the costs of nonextensive renovations for nursing facilities 41211
shall be eighty-five per cent of the desk-reviewed, actual, 41212
allowable, per diem, nonextensive renovation costs. This division 41213
applies to nonextensive renovations regardless of whether they are 41214

made by an owner or a lessee. If the tenancy of a lessee that has 41215
made nonextensive renovations ends before the depreciation expense 41216
for the renovation costs has been fully reported, the former 41217
lessee shall not report the undepreciated balance as an expense. 41218

(1) For a nonextensive renovation made after July 1, 1993, to 41219
qualify for payment under this division, both of the following 41220
conditions must be met: 41221

(a) At least five years have elapsed since the date of 41222
licensure of the portion of the facility that is proposed to be 41223
renovated, except that this condition does not apply if the 41224
renovation is necessary to meet the requirements of federal, 41225
state, or local statutes, ordinances, rules, or policies. 41226

(b) The provider has obtained prior approval from the 41227
department of job and family services, and if required the 41228
director of health has granted a certificate of need for the 41229
renovation under section 3702.52 of the Revised Code. The provider 41230
shall submit a plan that describes in detail the changes in 41231
capital assets to be accomplished by means of the renovation and 41232
the timetable for completing the project. The time for completion 41233
of the project shall be no more than eighteen months after the 41234
renovation begins. The department of job and family services shall 41235
adopt rules in accordance with Chapter 119. of the Revised Code 41236
that specify criteria and procedures for prior approval of 41237
renovation projects. No provider shall separate a project with the 41238
intent to evade the characterization of the project as a 41239
renovation or as an extensive renovation. No provider shall 41240
increase the scope of a project after it is approved by the 41241
department of job and family services unless the increase in scope 41242
is approved by the department. 41243

(2) The payment provided for in this division is the only 41244
payment that shall be made for the costs of a nonextensive 41245
renovation. Nonextensive renovation costs shall not be included in 41246

costs of ownership, and a nonextensive renovation shall not affect 41247
the date of licensure for purposes of calculating the efficiency 41248
incentive under divisions (D) and (E) of this section. 41249

(G) ~~The owner of a nursing facility operating under a~~ 41250
~~provider agreement shall provide written notice to the department~~ 41251
~~of job and family services at least forty five days prior to~~ 41252
~~entering into any contract of sale for the facility or voluntarily~~ 41253
~~terminating participation in the medical assistance program.~~ After 41254
the date on which a transaction of sale of a nursing facility is 41255
closed, the owner shall refund to the department the amount of 41256
excess depreciation paid to the facility by the department for 41257
each year the owner has operated the facility under a provider 41258
agreement and prorated according to the number of medicaid patient 41259
days for which the facility has received payment. If a nursing 41260
facility is sold after five or fewer years of operation under a 41261
provider agreement, the refund to the department shall be equal to 41262
the excess depreciation paid to the facility. If a nursing 41263
facility is sold after more than five years but less than ten 41264
years of operation under a provider agreement, the refund to the 41265
department shall equal the excess depreciation paid to the 41266
facility multiplied by twenty per cent, multiplied by the 41267
difference between ten and the number of years that the facility 41268
was operated under a provider agreement. If a nursing facility is 41269
sold after ten or more years of operation under a provider 41270
agreement, the owner shall not refund any excess depreciation to 41271
the department. The owner of a nursing facility that is sold or 41272
that ~~voluntarily terminates~~ undergoes a voluntary withdrawal of 41273
participation in the medical assistance program, as defined in 41274
section 5111.65 of the Revised Code, also shall refund any other 41275
amount that the department properly finds to be due after ~~the a~~ 41276
final fiscal audit ~~conducted under this division~~ the department 41277
shall conduct. For the purposes of this division, "depreciation 41278
paid to the facility" means the amount paid to the nursing 41279

facility for cost of ownership pursuant to this section less any 41280
amount paid for interest costs, amortization of financing costs, 41281
and lease expenses. For the purposes of this division, "excess 41282
depreciation" is the nursing facility's depreciated basis, which 41283
is the owner's cost less accumulated depreciation, subtracted from 41284
the purchase price net of selling costs but not exceeding the 41285
amount of depreciation paid to the facility. 41286

~~A cost report shall be filed with the department within 41287
ninety days after the date on which the transaction of sale is 41288
closed or participation is voluntarily terminated. The report 41289
shall show the accumulated depreciation, the sales price, and 41290
other information required by the department. The department shall 41291
provide for a bank, trust company, or savings and loan association 41292
to hold in escrow the amount of the last two monthly payments to a 41293
nursing facility made pursuant to division (A)(1) of section 41294
5111.22 of the Revised Code before a sale or termination of 41295
participation or, if the owner fails, within the time required by 41296
this division, to notify the department before entering into a 41297
contract of sale for the facility, the amount of the first two 41298
monthly payments made to the facility after the department learns 41299
of the contract, regardless of whether a new owner is in 41300
possession of the facility. If the amount the owner will be 41301
required to refund under this section is likely to be less than 41302
the amount of the two monthly payments otherwise put into escrow 41303
under this division, the department shall take one of the 41304
following actions instead of withholding the amount of the two 41305
monthly payments:~~ 41306

~~(1) In the case of an owner that owns other facilities that 41307
participate in the medical assistance program, obtain a promissory 41308
note in an amount sufficient to cover the amount likely to be 41309
refunded;~~ 41310

~~(2) In the case of all other owners, withhold the amount of 41311~~

~~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 41344
to the department at least forty five days prior to entering into 41345
any contract of sale or terminating participation at any future 41346
time. 41347~~

(H) The department shall pay each eligible proprietary 41348
nursing facility a return on the facility's net equity computed at 41349
the rate of one and one-half times the average interest rate on 41350
special issues of public debt obligations issued to the federal 41351
hospital insurance trust fund for the cost reporting period, 41352
except that no facility's return on net equity shall exceed fifty 41353
cents per patient day. 41354

When calculating the rate for return on net equity, the 41355
department shall use the greater of the facility's inpatient days 41356
during the applicable cost reporting period or the number of 41357
inpatient days the facility would have had during that period if 41358
its occupancy rate had been ninety-five per cent. 41359

(I) If a nursing facility would receive a lower rate for 41360
capital costs for assets in the facility's possession on July 1, 41361
1993, under this section than it would receive under former 41362
section 5111.25 of the Revised Code, as the former section existed 41363
immediately prior to December 22, 1992, the facility shall receive 41364
for those assets the rate it would have received under the former 41365
section for each fiscal year beginning on or after July 1, 1993, 41366
until the rate it would receive under this section exceeds the 41367
rate it would have received under the former section. Any facility 41368
that receives a rate calculated under the former section 5111.25 41369
of the Revised Code for assets in the facility's possession on 41370
July 1, 1993, also shall receive a rate calculated under this 41371
section for costs of any assets it constructs or acquires after 41372
July 1, 1993. 41373

Sec. 5111.251. (A) The department of job and family services 41374

shall pay each eligible intermediate care facility for the 41375
mentally retarded for its reasonable capital costs, a per resident 41376
per day rate established prospectively each fiscal year for each 41377
intermediate care facility for the mentally retarded. Except as 41378
otherwise provided in sections 5111.20 to 5111.32 of the Revised 41379
Code, the rate shall be based on the facility's capital costs for 41380
the calendar year preceding the fiscal year in which the rate will 41381
be paid. The rate shall equal the sum of the following: 41382

(1) The facility's desk-reviewed, actual, allowable, per diem 41383
cost of ownership for the preceding cost reporting period, limited 41384
as provided in divisions (C) and (F) of this section; 41385

(2) Any efficiency incentive determined under division (B) of 41386
this section; 41387

(3) Any amounts for renovations determined under division (D) 41388
of this section; 41389

(4) Any amounts for return on equity determined under 41390
division (I) of this section. 41391

Buildings shall be depreciated using the straight line method 41392
over forty years or over a different period approved by the 41393
department. Components and equipment shall be depreciated using 41394
the straight line method over a period designated by the director 41395
of job and family services in rules adopted in accordance with 41396
Chapter 119. of the Revised Code, consistent with the guidelines 41397
of the American hospital association, or over a different period 41398
approved by the department of job and family services. Any rules 41399
adopted under this division that specify useful lives of 41400
buildings, components, or equipment apply only to assets acquired 41401
on or after July 1, 1993. Depreciation for costs paid or 41402
reimbursed by any government agency shall not be included in costs 41403
of ownership or renovation unless that part of the payment under 41404
sections 5111.20 to 5111.32 of the Revised Code is used to 41405

reimburse the government agency. 41406

(B) The department of job and family services shall pay to 41407
each intermediate care facility for the mentally retarded an 41408
efficiency incentive equal to fifty per cent of the difference 41409
between any desk-reviewed, actual, allowable cost of ownership and 41410
the applicable limit on cost of ownership payments under division 41411
(C) of this section. For purposes of computing the efficiency 41412
incentive, depreciation for costs paid or reimbursed by any 41413
government agency shall be considered as a cost of ownership, and 41414
the applicable limit under division (C) of this section shall 41415
apply both to facilities with more than eight beds and facilities 41416
with eight or fewer beds. The efficiency incentive paid to a 41417
facility with eight or fewer beds shall not exceed three dollars 41418
per patient day, adjusted annually for the inflation rate for the 41419
twelve-month period beginning on the first day of July of the 41420
calendar year preceding the calendar year that precedes the fiscal 41421
year for which the efficiency incentive is determined and ending 41422
on the thirtieth day of the following June, using the consumer 41423
price index for shelter costs for all urban consumers for the 41424
north central region, as published by the United States bureau of 41425
labor statistics. 41426

(C) Cost of ownership payments to intermediate care 41427
facilities for the mentally retarded with more than eight beds 41428
shall not exceed the following limits: 41429

(1) For facilities with dates of licensure prior to January 41430
1, 1958, not exceeding two dollars and fifty cents per patient 41431
day; 41432

(2) For facilities with dates of licensure after December 31, 41433
1957, but prior to January 1, 1968, not exceeding: 41434

(a) Three dollars and fifty cents per patient day if the cost 41435
of construction was three thousand five hundred dollars or more 41436

per bed;	41437
(b) Two dollars and fifty cents per patient day if the cost	41438
of construction was less than three thousand five hundred dollars	41439
per bed.	41440
(3) For facilities with dates of licensure after December 31,	41441
1967, but prior to January 1, 1976, not exceeding:	41442
(a) Four dollars and fifty cents per patient day if the cost	41443
of construction was five thousand one hundred fifty dollars or	41444
more per bed;	41445
(b) Three dollars and fifty cents per patient day if the cost	41446
of construction was less than five thousand one hundred fifty	41447
dollars per bed, but exceeds three thousand five hundred dollars	41448
per bed;	41449
(c) Two dollars and fifty cents per patient day if the cost	41450
of construction was three thousand five hundred dollars or less	41451
per bed.	41452
(4) For facilities with dates of licensure after December 31,	41453
1975, but prior to January 1, 1979, not exceeding:	41454
(a) Five dollars and fifty cents per patient day if the cost	41455
of construction was six thousand eight hundred dollars or more per	41456
bed;	41457
(b) Four dollars and fifty cents per patient day if the cost	41458
of construction was less than six thousand eight hundred dollars	41459
per bed but exceeds five thousand one hundred fifty dollars per	41460
bed;	41461
(c) Three dollars and fifty cents per patient day if the cost	41462
of construction was five thousand one hundred fifty dollars or	41463
less per bed, but exceeds three thousand five hundred dollars per	41464
bed;	41465
(d) Two dollars and fifty cents per patient day if the cost	41466

of construction was three thousand five hundred dollars or less 41467
per bed. 41468

(5) For facilities with dates of licensure after December 31, 41469
1978, but prior to January 1, 1980, not exceeding: 41470

(a) Six dollars per patient day if the cost of construction 41471
was seven thousand six hundred twenty-five dollars or more per 41472
bed; 41473

(b) Five dollars and fifty cents per patient day if the cost 41474
of construction was less than seven thousand six hundred 41475
twenty-five dollars per bed but exceeds six thousand eight hundred 41476
dollars per bed; 41477

(c) Four dollars and fifty cents per patient day if the cost 41478
of construction was six thousand eight hundred dollars or less per 41479
bed but exceeds five thousand one hundred fifty dollars per bed; 41480

(d) Three dollars and fifty cents per patient day if the cost 41481
of construction was five thousand one hundred fifty dollars or 41482
less but exceeds three thousand five hundred dollars per bed; 41483

(e) Two dollars and fifty cents per patient day if the cost 41484
of construction was three thousand five hundred dollars or less 41485
per bed. 41486

(6) For facilities with dates of licensure after December 31, 41487
1979, but prior to January 1, 1981, not exceeding: 41488

(a) Twelve dollars per patient day if the beds were 41489
originally licensed as residential facility beds by the department 41490
of mental retardation and developmental disabilities; 41491

(b) Six dollars per patient day if the beds were originally 41492
licensed as nursing home beds by the department of health. 41493

(7) For facilities with dates of licensure after December 31, 41494
1980, but prior to January 1, 1982, not exceeding: 41495

(a) Twelve dollars per patient day if the beds were 41496

originally licensed as residential facility beds by the department 41497
of mental retardation and developmental disabilities; 41498

(b) Six dollars and forty-five cents per patient day if the 41499
beds were originally licensed as nursing home beds by the 41500
department of health. 41501

(8) For facilities with dates of licensure after December 31, 41502
1981, but prior to January 1, 1983, not exceeding: 41503

(a) Twelve dollars per patient day if the beds were 41504
originally licensed as residential facility beds by the department 41505
of mental retardation and developmental disabilities; 41506

(b) Six dollars and seventy-nine cents per patient day if the 41507
beds were originally licensed as nursing home beds by the 41508
department of health. 41509

(9) For facilities with dates of licensure after December 31, 41510
1982, but prior to January 1, 1984, not exceeding: 41511

(a) Twelve dollars per patient day if the beds were 41512
originally licensed as residential facility beds by the department 41513
of mental retardation and developmental disabilities; 41514

(b) Seven dollars and nine cents per patient day if the beds 41515
were originally licensed as nursing home beds by the department of 41516
health. 41517

(10) For facilities with dates of licensure after December 41518
31, 1983, but prior to January 1, 1985, not exceeding: 41519

(a) Twelve dollars and twenty-four cents per patient day if 41520
the beds were originally licensed as residential facility beds by 41521
the department of mental retardation and developmental 41522
disabilities; 41523

(b) Seven dollars and twenty-three cents per patient day if 41524
the beds were originally licensed as nursing home beds by the 41525
department of health. 41526

(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	41527 41528
(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;	41529 41530 41531 41532
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	41533 41534 41535
(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	41536 41537
(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;	41538 41539 41540
(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	41541 41542 41543
(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	41544 41545
(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;	41546 41547 41548 41549
(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.	41550 41551 41552
(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;	41553 41554 41555
(15) For facilities with dates of licensure after December	41556

31, 1988, but prior to January 1, 1990, not exceeding thirteen 41557
dollars and forty-six cents per patient day; 41558

(16) For facilities with dates of licensure after December 41559
31, 1989, but prior to January 1, 1991, not exceeding thirteen 41560
dollars and sixty cents per patient day; 41561

(17) For facilities with dates of licensure after December 41562
31, 1990, but prior to January 1, 1992, not exceeding thirteen 41563
dollars and forty-nine cents per patient day; 41564

(18) For facilities with dates of licensure after December 41565
31, 1991, but prior to January 1, 1993, not exceeding thirteen 41566
dollars and sixty-seven cents per patient day; 41567

(19) For facilities with dates of licensure after December 41568
31, 1992, not exceeding fourteen dollars and twenty-eight cents 41569
per patient day. 41570

(D) Beginning January 1, 1981, regardless of the original 41571
date of licensure, the department of job and family services shall 41572
pay a rate for the per diem capitalized costs of renovations to 41573
intermediate care facilities for the mentally retarded made after 41574
January 1, 1981, not exceeding six dollars per patient day using 41575
1980 as the base year and adjusting the amount annually until June 41576
30, 1993, for fluctuations in construction costs calculated by the 41577
department using the "Dodge building cost indexes, northeastern 41578
and north central states," published by Marshall and Swift. The 41579
payment provided for in this division is the only payment that 41580
shall be made for the capitalized costs of a nonextensive 41581
renovation of an intermediate care facility for the mentally 41582
retarded. Nonextensive renovation costs shall not be included in 41583
cost of ownership, and a nonextensive renovation shall not affect 41584
the date of licensure for purposes of division (C) of this 41585
section. This division applies to nonextensive renovations 41586
regardless of whether they are made by an owner or a lessee. If 41587

the tenancy of a lessee that has made renovations ends before the 41588
depreciation expense for the renovation costs has been fully 41589
reported, the former lessee shall not report the undepreciated 41590
balance as an expense. 41591

For a nonextensive renovation to qualify for payment under 41592
this division, both of the following conditions must be met: 41593

(1) At least five years have elapsed since the date of 41594
licensure or date of an extensive renovation of the portion of the 41595
facility that is proposed to be renovated, except that this 41596
condition does not apply if the renovation is necessary to meet 41597
the requirements of federal, state, or local statutes, ordinances, 41598
rules, or policies. 41599

(2) The provider has obtained prior approval from the 41600
department of job and family services. The provider shall submit a 41601
plan that describes in detail the changes in capital assets to be 41602
accomplished by means of the renovation and the timetable for 41603
completing the project. The time for completion of the project 41604
shall be no more than eighteen months after the renovation begins. 41605
The director of job and family services shall adopt rules in 41606
accordance with Chapter 119. of the Revised Code that specify 41607
criteria and procedures for prior approval of renovation projects. 41608
No provider shall separate a project with the intent to evade the 41609
characterization of the project as a renovation or as an extensive 41610
renovation. No provider shall increase the scope of a project 41611
after it is approved by the department of job and family services 41612
unless the increase in scope is approved by the department. 41613

(E) The amounts specified in divisions (C) and (D) of this 41614
section shall be adjusted beginning July 1, 1993, for the 41615
estimated inflation for the twelve-month period beginning on the 41616
first day of July of the calendar year preceding the calendar year 41617
that precedes the fiscal year for which rate will be paid and 41618
ending on the thirtieth day of the following June, using the 41619

consumer price index for shelter costs for all urban consumers for 41620
the north central region, as published by the United States bureau 41621
of labor statistics. 41622

(F)(1) For facilities of eight or fewer beds that have dates 41623
of licensure or have been granted project authorization by the 41624
department of mental retardation and developmental disabilities 41625
before July 1, 1993, and for facilities of eight or fewer beds 41626
that have dates of licensure or have been granted project 41627
authorization after that date if the facilities demonstrate that 41628
they made substantial commitments of funds on or before that date, 41629
cost of ownership shall not exceed eighteen dollars and thirty 41630
cents per resident per day. The eighteen-dollar and thirty-cent 41631
amount shall be increased by the change in the "Dodge building 41632
cost indexes, northeastern and north central states," published by 41633
Marshall and Swift, during the period beginning June 30, 1990, and 41634
ending July 1, 1993, and by the change in the consumer price index 41635
for shelter costs for all urban consumers for the north central 41636
region, as published by the United States bureau of labor 41637
statistics, annually thereafter. 41638

(2) For facilities with eight or fewer beds that have dates 41639
of licensure or have been granted project authorization by the 41640
department of mental retardation and developmental disabilities on 41641
or after July 1, 1993, for which substantial commitments of funds 41642
were not made before that date, cost of ownership payments shall 41643
not exceed the applicable amount calculated under division (F)(1) 41644
of this section, if the department of job and family services 41645
gives prior approval for construction of the facility or, 41646
regardless of whether the department gives prior approval, if the 41647
facility obtains a residential facility license under section 41648
5123.19 of the Revised Code pursuant to section 5123.1910 of the 41649
Revised Code. If the department does not give prior approval, cost 41650
of ownership payments shall not exceed the amount specified in 41651

division (C) of this section unless the facility obtains a 41652
residential facility license under section 5123.19 of the Revised 41653
Code pursuant to section 5123.1910 of the Revised Code. 41654

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 41655
section, the total payment for cost of ownership, cost of 41656
ownership efficiency incentive, and capitalized costs of 41657
renovations for an intermediate care facility for the mentally 41658
retarded with eight or fewer beds shall not exceed the sum of the 41659
limitations specified in divisions (C) and (D) of this section. 41660

(G) Notwithstanding any provision of this section or section 41661
5111.24 of the Revised Code, the director of job and family 41662
services may adopt rules in accordance with Chapter 119. of the 41663
Revised Code that provide for a calculation of a combined maximum 41664
payment limit for indirect care costs and cost of ownership for 41665
intermediate care facilities for the mentally retarded with eight 41666
or fewer beds. 41667

(H) ~~After June 30, 1980, the owner of an intermediate care~~ 41668
~~facility for the mentally retarded operating under a provider~~ 41669
~~agreement shall provide written notice to the department of job~~ 41670
~~and family services at least forty five days prior to entering~~ 41671
~~into any contract of sale for the facility or voluntarily~~ 41672
~~terminating participation in the medical assistance program. After~~ 41673
the date on which a transaction of sale of an intermediate care 41674
facility for the mentally retarded is closed, the owner shall 41675
refund to the department the amount of excess depreciation paid to 41676
the facility by the department for each year the owner has 41677
operated the facility under a provider agreement and prorated 41678
according to the number of medicaid patient days for which the 41679
facility has received payment. If an intermediate care facility 41680
for the mentally retarded is sold after five or fewer years of 41681
operation under a provider agreement, the refund to the department 41682
shall be equal to the excess depreciation paid to the facility. If 41683

an intermediate care facility for the mentally retarded is sold 41684
after more than five years but less than ten years of operation 41685
under a provider agreement, the refund to the department shall 41686
equal the excess depreciation paid to the facility multiplied by 41687
twenty per cent, multiplied by the number of years less than ten 41688
that a facility was operated under a provider agreement. If an 41689
intermediate care facility for the mentally retarded is sold after 41690
ten or more years of operation under a provider agreement, the 41691
owner shall not refund any excess depreciation to the department. 41692
For the purposes of this division, "depreciation paid to the 41693
facility" means the amount paid to the intermediate care facility 41694
for the mentally retarded for cost of ownership pursuant to this 41695
section less any amount paid for interest costs. For the purposes 41696
of this division, "excess depreciation" is the intermediate care 41697
facility for the mentally retarded's depreciated basis, which is 41698
the owner's cost less accumulated depreciation, subtracted from 41699
the purchase price but not exceeding the amount of depreciation 41700
paid to the facility. 41701

~~A cost report shall be filed with the department within 41702
ninety days after the date on which the transaction of sale is 41703
closed or participation is voluntarily terminated for an 41704
intermediate care facility for the mentally retarded subject to 41705
this division. The report shall show the accumulated depreciation, 41706
the sales price, and other information required by the department. 41707
The department shall provide for a bank, trust company, or savings 41708
and loan association to hold in escrow the amount of the last two 41709
monthly payments to an intermediate care facility for the mentally 41710
retarded made pursuant to division (A)(1) of section 5111.22 of 41711
the Revised Code before a sale or voluntary termination of 41712
participation or, if the owner fails, within the time required by 41713
this division, to notify the department before entering into a 41714
contract of sale for the facility, the amount of the first two 41715
monthly payments made to the facility after the department learns 41716~~

~~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 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 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~~ 41749
~~fifteen days after the owner agrees to a settlement. If the~~ 41750
~~department does not issue its audit report within the ninety day~~ 41751
~~period, the department shall release any money held in escrow to~~ 41752
~~the owner.~~ For the purposes of this section, a transfer of 41753
corporate stock, the merger of one corporation into another, or a 41754
consolidation does not constitute a sale. 41755

~~If an intermediate care facility for the mentally retarded is~~ 41756
~~not sold or its participation is not terminated after notice is~~ 41757
~~provided to the department under this division, the department~~ 41758
~~shall order any payments held in escrow released to the facility~~ 41759
~~upon receiving written notice from the owner that there will be no~~ 41760
~~sale or termination of participation. After written notice is~~ 41761
~~received from an intermediate care facility for the mentally~~ 41762
~~retarded that a sale or termination of participation will not take~~ 41763
~~place, the facility shall provide notice to the department at~~ 41764
~~least forty five days prior to entering into any contract of sale~~ 41765
~~or terminating participation at any future time.~~ 41766

(I) The department of job and family services shall pay each 41767
eligible proprietary intermediate care facility for the mentally 41768
retarded a return on the facility's net equity computed at the 41769
rate of one and one-half times the average of interest rates on 41770
special issues of public debt obligations issued to the federal 41771
hospital insurance trust fund for the cost reporting period. No 41772
facility's return on net equity paid under this division shall 41773
exceed one dollar per patient day. 41774

In calculating the rate for return on net equity, the 41775
department shall use the greater of the facility's inpatient days 41776
during the applicable cost reporting period or the number of 41777
inpatient days the facility would have had during that period if 41778
its occupancy rate had been ninety-five per cent. 41779

(J)(1) Except as provided in division (J)(2) of this section, 41780

if a provider leases or transfers an interest in a facility to 41781
another provider who is a related party, the related party's 41782
allowable cost of ownership shall include the lesser of the 41783
following: 41784

(a) The annual lease expense or actual cost of ownership, 41785
whichever is applicable; 41786

(b) The reasonable cost to the lessor or provider making the 41787
transfer. 41788

(2) If a provider leases or transfers an interest in a 41789
facility to another provider who is a related party, regardless of 41790
the date of the lease or transfer, the related party's allowable 41791
cost of ownership shall include the annual lease expense or actual 41792
cost of ownership, whichever is applicable, subject to the 41793
limitations specified in divisions (B) to (I) of this section, if 41794
all of the following conditions are met: 41795

(a) The related party is a relative of owner; 41796

(b) In the case of a lease, if the lessor retains any 41797
ownership interest, it is, except as provided in division 41798
(J)(2)(d)(ii) of this section, in only the real property and any 41799
improvements on the real property; 41800

(c) In the case of a transfer, the provider making the 41801
transfer retains, except as provided in division (J)(2)(d)(iv) of 41802
this section, no ownership interest in the facility; 41803

(d) The department of job and family services determines that 41804
the lease or transfer is an arm's length transaction pursuant to 41805
rules the department shall adopt in accordance with Chapter 119. 41806
of the Revised Code no later than December 31, 2000. The rules 41807
shall provide that a lease or transfer is an arm's length 41808
transaction if all of the following, as applicable, apply: 41809

(i) In the case of a lease, once the lease goes into effect, 41810

the lessor has no direct or indirect interest in the lessee or, 41811
except as provided in division (J)(2)(b) of this section, the 41812
facility itself, including interest as an owner, officer, 41813
director, employee, independent contractor, or consultant, but 41814
excluding interest as a lessor. 41815

(ii) In the case of a lease, the lessor does not reacquire an 41816
interest in the facility except through the exercise of a lessor's 41817
rights in the event of a default. If the lessor reacquires an 41818
interest in the facility in this manner, the department shall 41819
treat the facility as if the lease never occurred when the 41820
department calculates its reimbursement rates for capital costs. 41821

(iii) In the case of a transfer, once the transfer goes into 41822
effect, the provider that made the transfer has no direct or 41823
indirect interest in the provider that acquires the facility or 41824
the facility itself, including interest as an owner, officer, 41825
director, employee, independent contractor, or consultant, but 41826
excluding interest as a creditor. 41827

(iv) In the case of a transfer, the provider that made the 41828
transfer does not reacquire an interest in the facility except 41829
through the exercise of a creditor's rights in the event of a 41830
default. If the provider reacquires an interest in the facility in 41831
this manner, the department shall treat the facility as if the 41832
transfer never occurred when the department calculates its 41833
reimbursement rates for capital costs. 41834

(v) The lease or transfer satisfies any other criteria 41835
specified in the rules. 41836

(e) Except in the case of hardship caused by a catastrophic 41837
event, as determined by the department, or in the case of a lessor 41838
or provider making the transfer who is at least sixty-five years 41839
of age, not less than twenty years have elapsed since, for the 41840
same facility, allowable cost of ownership was determined most 41841

recently under this division. 41842

Sec. 5111.28. (A) If a provider properly amends its cost 41843
report under section 5111.27 of the Revised Code and the amended 41844
report shows that the provider received a lower rate under the 41845
original cost report than it was entitled to receive, the 41846
department shall adjust the provider's rate prospectively to 41847
reflect the corrected information. The department shall pay the 41848
adjusted rate beginning two months after the first day of the 41849
month after the provider files the amended cost report. If the 41850
department finds, from an exception review of resident assessment 41851
information conducted after the effective date of the rate for 41852
direct care costs that is based on the assessment information, 41853
that inaccurate assessment information resulted in the provider 41854
receiving a lower rate than it was entitled to receive, the 41855
department prospectively shall adjust the provider's rate 41856
accordingly and shall make payments using the adjusted rate for 41857
the remainder of the calendar quarter for which the assessment 41858
information is used to determine the rate, beginning one month 41859
after the first day of the month after the exception review is 41860
completed. 41861

(B) If the provider properly amends its cost report under 41862
section 5111.27 of the Revised Code, the department makes a 41863
finding based on an audit under that section, or the department 41864
makes a finding based on an exception review of resident 41865
assessment information conducted under that section after the 41866
effective date of the rate for direct care costs that is based on 41867
the assessment information, any of which results in a 41868
determination that the provider has received a higher rate than it 41869
was entitled to receive, the department shall recalculate the 41870
provider's rate using the revised information. The department 41871
shall apply the recalculated rate to the periods when the provider 41872
received the incorrect rate to determine the amount of the 41873

overpayment. The provider shall refund the amount of the 41874
overpayment. 41875

In addition to requiring a refund under this division, the 41876
department may charge the provider interest at the applicable rate 41877
specified in this division from the time the overpayment was made. 41878

(1) If the overpayment resulted from costs reported for 41879
calendar year 1993, the interest shall be no greater than one and 41880
one-half times the average bank prime rate. 41881

(2) If the overpayment resulted from costs reported for 41882
subsequent calendar years: 41883

(a) The interest shall be no greater than two times the 41884
average bank prime rate if the overpayment was equal to or less 41885
than one per cent of the total medicaid payments to the provider 41886
for the fiscal year for which the incorrect information was used 41887
to establish a rate. 41888

(b) The interest shall be no greater than two and one-half 41889
times the current average bank prime rate if the overpayment was 41890
greater than one per cent of the total medicaid payments to the 41891
provider for the fiscal year for which the incorrect information 41892
was used to establish a rate. 41893

(C) The department also may impose the following penalties: 41894

(1) If a provider does not furnish invoices or other 41895
documentation that the department requests during an audit within 41896
sixty days after the request, no more than the greater of one 41897
thousand dollars per audit or twenty-five per cent of the 41898
cumulative amount by which the costs for which documentation was 41899
not furnished increased the total medicaid payments to the 41900
provider during the fiscal year for which the costs were used to 41901
establish a rate; 41902

(2) If an ~~owner~~ exiting operator fails to provide a properly 41903

completed notice of sale of the facility or closure, voluntary 41904
termination, voluntary withdrawal of participation in the medical 41905
assistance program, or change of operator, as required by section 41906
5111.25 5111.66 or 5111.251 5111.67 of the Revised Code, no more 41907
than the current average bank prime rate plus four per cent of ~~the~~ 41908
~~last~~ an amount equal to two times the average amount of monthly 41909
payments to the exiting operator under the medicaid program for 41910
the twelve-month period immediately preceding the month that 41911
includes the last day the exiting operator's provider agreement is 41912
in effect or, in the case of a voluntary withdrawal of 41913
participation, the effective date of the voluntary withdrawal of 41914
participation. 41915

(D) If the provider continues to participate in the ~~medical~~ 41916
~~assistance~~ medicaid program, the department shall deduct any 41917
amount that the provider is required to refund under this section, 41918
and the amount of any interest charged or penalty imposed under 41919
this section, from the next available payment from the department 41920
to the provider. The department and the provider may enter into an 41921
agreement under which the amount, together with interest, is 41922
deducted in installments from payments from the department to the 41923
provider. If the provider does not continue to participate in the 41924
medicaid program, the department shall collect any amount that the 41925
provider owes to the department under this section from the 41926
withholding, security, or both that the department makes or 41927
requires under section 5111.681 of the Revised Code. 41928

(E) The department shall transmit refunds and penalties to 41929
the treasurer of state for deposit in the general revenue fund. 41930

(F) For the purpose of this section, the department shall 41931
determine the average bank prime rate using statistical release 41932
H.15, "selected interest rates," a weekly publication of the 41933
federal reserve board, or any successor publication. If 41934
statistical release H.15, or its successor, ceases to contain the 41935

bank prime rate information or ceases to be published, the 41936
department shall request a written statement of the average bank 41937
prime rate from the federal reserve bank of Cleveland or the 41938
federal reserve board. 41939

Sec. 5111.29. (A) The director of job and family services 41940
shall adopt rules in accordance with Chapter 119. of the Revised 41941
Code that establish a process under which a nursing facility or 41942
intermediate care facility for the mentally retarded, or a group 41943
or association of facilities, may seek reconsideration of rates 41944
established under sections 5111.23 to 5111.28 of the Revised Code, 41945
including a rate for direct care costs recalculated before the 41946
effective date of the rate as a result of an exception review of 41947
resident assessment information conducted under section 5111.27 of 41948
the Revised Code. 41949

(1) Except as provided in divisions (A)(2) to (4) of this 41950
section, the only issue that a facility, group, or association may 41951
raise in the rate reconsideration shall be whether the rate was 41952
calculated in accordance with sections 5111.23 to 5111.28 of the 41953
Revised Code and the rules adopted under those sections. The rules 41954
shall permit a facility, group, or association to submit written 41955
arguments or other materials that support its position. The rules 41956
shall specify time frames within which the facility, group, or 41957
association and the department must act. If the department 41958
determines, as a result of the rate reconsideration, that the rate 41959
established for one or more facilities is less than the rate to 41960
which it is entitled, the department shall increase the rate. If 41961
the department has paid the incorrect rate for a period of time, 41962
the department shall pay the facility the difference between the 41963
amount it was paid for that period and the amount it should have 41964
been paid. 41965

(2) The rules shall provide that during a fiscal year, the 41966

department, by means of the rate reconsideration process, may 41967
increase a facility's rate as calculated under sections 5111.23 to 41968
5111.28 of the Revised Code if the facility demonstrates that its 41969
actual, allowable costs have increased because of extreme 41970
circumstances. A facility may qualify for a rate increase only if 41971
its per diem, actual, allowable costs have increased to a level 41972
that exceeds its total rate, including any efficiency incentive 41973
and return on equity payment. The rules shall specify the 41974
circumstances that would justify a rate increase under division 41975
(A)(2) of this section. In the case of nursing facilities, the 41976
rules shall provide that the extreme circumstances include 41977
increased security costs for an inner-city nursing facility and an 41978
increase in workers' compensation experience rating of greater 41979
than five per cent for a facility that has an appropriate claims 41980
management program but do not include a change of ownership that 41981
results from bankruptcy, foreclosure, or findings of violations of 41982
certification requirements by the department of health. In the 41983
case of intermediate care facilities for the mentally retarded, 41984
the rules shall provide that the extreme circumstances include, 41985
but are not limited to, renovations approved under division (D) of 41986
section 5111.251 of the Revised Code, an increase in workers' 41987
compensation experience rating of greater than five per cent for a 41988
facility that has an appropriate claims management program, 41989
increased security costs for an inner-city facility, and a change 41990
of ownership that results from bankruptcy, foreclosure, or 41991
findings of violations of certification requirements by the 41992
department of health. An increase under division (A)(2) of this 41993
section is subject to any rate limitations or maximum rates 41994
established by sections 5111.23 to 5111.28 of the Revised Code for 41995
specific cost centers. Any rate increase granted under division 41996
(A)(2) of this section shall take effect on the first day of the 41997
first month after the department receives the request. 41998

(3) The rules shall provide that the department, through the 41999

rate reconsideration process, may increase a facility's rate as 42000
calculated under sections 5111.23 to 5111.28 of the Revised Code 42001
if the department, in its sole discretion, determines that the 42002
rate as calculated under those sections works an extreme hardship 42003
on the facility. 42004

(4) The rules shall provide that when beds certified for the 42005
medical assistance program are added to an existing facility, 42006
replaced at the same site, or subject to a change of ownership or 42007
lease, the department, through the rate reconsideration process, 42008
shall increase the facility's rate for capital costs 42009
proportionately, as limited by any applicable limitation under 42010
section 5111.25 or 5111.251 of the Revised Code, to account for 42011
the costs of the beds that are added, replaced, or subject to a 42012
change of ownership or lease. The department shall make this 42013
increase one month after the first day of the month after the 42014
department receives sufficient documentation of the costs. Any 42015
rate increase granted under division (A)(4) of this section after 42016
June 30, 1993, shall remain in effect until the effective date of 42017
a rate calculated under section 5111.25 or 5111.251 of the Revised 42018
Code that includes costs incurred for a full calendar year for the 42019
bed addition, bed replacement, or change of ownership or lease. 42020
The facility shall report double accumulated depreciation in an 42021
amount equal to the depreciation included in the rate adjustment 42022
on its cost report for the first year of operation. During the 42023
term of any loan used to finance a project for which a rate 42024
adjustment is granted under division (A)(4) of this section, if 42025
the facility is operated by the same provider, the facility shall 42026
subtract from the interest costs it reports on its cost report an 42027
amount equal to the difference between the following: 42028

(a) The actual, allowable interest costs for the loan during 42029
the calendar year for which the costs are being reported; 42030

(b) The actual, allowable interest costs attributable to the 42031

loan that were used to calculate the rates paid to the facility 42032
during the same calendar year. 42033

(5) The department's decision at the conclusion of the 42034
reconsideration process shall not be subject to any administrative 42035
proceedings under Chapter 119. or any other provision of the 42036
Revised Code. 42037

(B) ~~Any~~ All of the following are subject to an adjudication 42038
conducted in accordance with Chapter 119. of the Revised Code: 42039

(1) ~~Any~~ audit disallowance that the department makes as the 42040
result of an audit under section 5111.27 of the Revised Code, ~~and~~ any 42041

(2) ~~Any~~ adverse finding that results from an exception review 42042
of resident assessment information conducted under ~~that~~ section 42043
5111.27 of the Revised Code after the effective date of the 42044
facility's rate that is based on the assessment information, ~~and~~ 42045
any 42046

(3) ~~Any~~ penalty the department imposes under division (C) of 42047
section 5111.28 of the Revised Code ~~shall be subject to an~~ 42048
~~adjudication conducted in accordance with Chapter 119. or section~~ 42049
5111.684 of the Revised Code. 42050

Sec. 5111.30. The department of job and family services shall 42051
terminate the provider agreement with an operator of a nursing 42052
facility or intermediate care facility for the mentally retarded 42053
that does not comply with the requirements of section 3721.071 of 42054
the Revised Code for the installation of fire extinguishing and 42055
fire alarm systems. 42056

Sec. 5111.31. (A) Every provider agreement with an operator 42057
of a nursing facility or intermediate care facility for the 42058
mentally retarded shall: 42059

(1) Prohibit the facility from failing or refusing to retain 42060

as a patient any person because the person is, becomes, or may, as 42061
a patient in the facility, become a recipient of assistance under 42062
the medical assistance program. For the purposes of this division, 42063
a recipient of medical assistance who is a patient in a facility 42064
shall be considered a patient in the facility during any hospital 42065
stays totaling less than twenty-five days during any twelve-month 42066
period. Recipients who have been identified by the department of 42067
job and family services or its designee as requiring the level of 42068
care of an intermediate care facility for the mentally retarded 42069
shall not be subject to a maximum period of absences during which 42070
they are considered patients if prior authorization of the 42071
department for visits with relatives and friends and participation 42072
in therapeutic programs is obtained under rules adopted under 42073
section 5111.02 of the Revised Code. 42074

(2) Include any part of the facility that meets standards for 42075
certification of compliance with federal and state laws and rules 42076
for participation in the medical assistance program, except that 42077
nursing facilities that, during the period beginning July 1, 1987, 42078
and ending July 1, 1993, added beds licensed as nursing home beds 42079
under Chapter 3721. of the Revised Code are not required to 42080
include those beds under a provider agreement unless otherwise 42081
required by federal law. Once added to the provider agreement, 42082
however, those nursing home beds may not be removed unless the 42083
facility withdraws from the medical assistance program in its 42084
entirety. 42085

(3) Prohibit the facility from discriminating against any 42086
patient on the basis of race, color, sex, creed, or national 42087
origin. 42088

(4) Except as otherwise prohibited under section 5111.55 of 42089
the Revised Code, prohibit the facility from failing or refusing 42090
to accept a patient because the patient is, becomes, or may, as a 42091
patient in the facility, become a recipient of assistance under 42092

the medical assistance program if less than eighty per cent of the patients in the facility are recipients of medical assistance.

(B) Nothing in this section shall bar any religious or denominational nursing facility or intermediate care facility for the mentally retarded that is operated, supervised, or controlled by a religious organization from giving preference to persons of the same religion or denomination. Nothing in this section shall bar any facility from giving preference to persons with whom it has contracted to provide continuing care.

(C) Nothing in this section shall bar any county home organized under Chapter 5155. of the Revised Code from admitting residents exclusively from the county in which the county home is located.

(D) No operator of a nursing facility or intermediate care facility for the mentally retarded with which a provider agreement is in effect shall violate the provider contract obligations imposed under this section.

(E) Nothing in divisions (A) and (B) of this section shall bar any nursing facility or intermediate care facility for the mentally retarded from retaining patients who have resided in the facility for not less than one year as private pay patients and who subsequently become recipients of assistance under the medicaid program, but refusing to accept as a patient any person who is or may, as a patient in the facility, become a recipient of assistance under the medicaid program, if all of the following apply:

(1) The facility does not refuse to retain any patient who has resided in the facility for not less than one year as a private pay patient because the patient becomes a recipient of assistance under the medicaid program, except as necessary to comply with division (E)(2) of this section;

(2) The number of medicaid recipients retained under this division does not at any time exceed ten per cent of all the patients in the facility;

(3) On July 1, 1980, all the patients in the facility were private pay patients.

Sec. 5111.65. As used in sections 5111.65 to 5111.6810 of the Revised Code:

(A) "Change of operator" means an entering operator becoming the operator of a nursing facility or intermediate care facility for the mentally retarded in the place of the exiting operator.

(1) Actions that constitute a change of operator include, but are not limited to, the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the facility is also transferred;

(c) A lease of the facility to the entering operator or the exiting operator's termination of the lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does

not constitute a change in operator. 42153

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation with another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 42154
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(2) The following, alone, do not constitute a change of operator: 42158
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(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions; 42160
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator; 42164
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 42169
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(B) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility or intermediate care facility for the mentally retarded. 42173
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(C) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility or intermediate care facility for the mentally retarded resides in the facility. 42176
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(D) "Effective date of a voluntary termination" means the day the intermediate care facility for the mentally retarded ceases to accept medicaid patients. 42180
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(E) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid patients other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation. 42183
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(F) "Entering operator" means the person or government entity that will become the operator of a nursing facility or intermediate care facility for the mentally retarded when a change of operator occurs. 42188
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(G) "Exiting operator" means any of the following: 42192

(1) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a change of operator; 42193
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(2) An operator that will cease to be the operator of a nursing facility or intermediate care facility for the mentally retarded on the effective date of a facility closure; 42196
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(3) An operator of an intermediate care facility for the mentally retarded that is undergoing or has undergone a voluntary termination; 42199
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(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation. 42202
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(H) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following: 42204
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(1) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility; 42210
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<u>(2) The facility's residents relocating to another of the operator's facilities;</u>	42213
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<u>(3) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities;</u>	42215
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<u>(4) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code;</u>	42220
	42221
<u>(5) Any action the department of mental retardation and developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code.</u>	42222
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	42224
<u>(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u>	42225
	42226
<u>(J) "Intermediate care facility for the mentally retarded," "nursing home," "operator," and "owner" have the same meanings as in section 5111.20 of the Revised Code.</u>	42227
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<u>(K) "Provider agreement" means a contract between the department of job and family services and the operator of a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medical assistance program.</u>	42230
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<u>(L) "Voluntary termination" means an operator's voluntary election to terminate the participation of an intermediate care facility for the mentally retarded in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.</u>	42236
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<u>(M) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a</u>	42241
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nursing facility in the medicaid program but to continue to 42243
provide service of the type provided by nursing facilities. 42244

Sec. 5111.66. An exiting operator or owner of a nursing 42245
facility or intermediate care facility for the mentally retarded 42246
participating in the medicaid program shall provide the department 42247
of job and family services written notice of a facility closure, 42248
voluntary termination, or voluntary withdrawal of participation 42249
not less than ninety days before the effective date of the 42250
facility closure, voluntary termination, or voluntary withdrawal 42251
of participation. The written notice shall include all of the 42252
following: 42253

(A) The name of the exiting operator and, if any, the exiting 42254
operator's authorized agent; 42255

(B) The name of the nursing facility or intermediate care 42256
facility for the mentally retarded that is the subject of the 42257
facility closure, voluntary termination, or voluntary withdrawal 42258
of participation; 42259

(C) The exiting operator's medicaid provider agreement 42260
number; 42261

(D) The effective date of the facility closure, voluntary 42262
termination, or voluntary withdrawal of participation; 42263

(E) The signature of the exiting operator's or owner's 42264
representative. 42265

Sec. 5111.661. An operator shall comply with section 42266
1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 42267
42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility 42268
undergoes a voluntary withdrawal of participation. 42269

Sec. 5111.67. (A) An exiting operator or owner and entering 42270
operator shall provide the department of job and family services 42271

written notice of a change of operator if the nursing facility or 42272
intermediate care facility for the mentally retarded participates 42273
in the medicaid program and the entering operator seeks to 42274
continue the facility's participation. The written notice shall be 42275
provided to the department not later than forty-five days before 42276
the effective date of the change of operator if the change of 42277
operator does not entail the relocation of residents. The written 42278
notice shall be provided to the department not later than ninety 42279
days before the effective date of the change of operator if the 42280
change of operator entails the relocation of residents. The 42281
written notice shall include all of the following: 42282

(1) The name of the exiting operator and, if any, the exiting 42283
operator's authorized agent; 42284

(2) The name of the nursing facility or intermediate care 42285
facility for the mentally retarded that is the subject of the 42286
change of operator; 42287

(3) The exiting operator's medicaid provider agreement 42288
number; 42289

(4) The name of the entering operator; 42290

(5) The effective date of the change of operator; 42291

(6) The manner in which the entering operator becomes the 42292
facility's operator, including through sale, lease, merger, or 42293
other action; 42294

(7) If the manner in which the entering operator becomes the 42295
facility's operator involves more than one step, a description of 42296
each step; 42297

(8) Written authorization from the exiting operator or owner 42298
and entering operator for the department to process a provider 42299
agreement for the entering operator; 42300

(9) The signature of the exiting operator's or owner's 42301

representative. 42302

(B) The entering operator shall include a completed application for a provider agreement with the written notice to the department. The entering operator shall attach to the application the following: 42303
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(1) If the written notice is provided to the department before the date the exiting operator or owner and entering operator complete the transaction for the change of operator, all the proposed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the facility's change of operator; 42307
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(2) If the written notice is provided to the department on or after the date the exiting operator or owner and entering operator complete the transaction for the change of operator, copies of all the executed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the facility's change of operator. 42313
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Sec. 5111.671. The department of job and family services may enter into a provider agreement with an entering operator that goes into effect at 12:01 a.m. on the effective date of the change of operator if all of the following requirements are met: 42319
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(A) The department receives a properly completed written notice required by section 5111.67 of the Revised Code on or before the date required by that section. 42323
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(B) The entering operator furnishes to the department copies of all the fully executed leases, management agreements, merger agreements and supporting documents, and sales contracts and supporting documents relating to the change of operator not later than ten days after the effective date of the change of operator. 42326
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(C) The entering operator is eligible for medicaid payments 42331

as provided in section 5111.21 of the Revised Code. 42332

Sec. 5111.672. (A) The department of job and family services 42333
may enter into a provider agreement with an entering operator that 42334
goes into effect at 12:01 a.m. on the date determined under 42335
division (B) of this section if all of the following are the case: 42336

(1) The department receives a properly completed written 42337
notice required by section 5111.67 of the Revised Code. 42338

(2) The entering operator furnishes to the department copies 42339
of all the fully executed leases, management agreements, merger 42340
agreements and supporting documents, and sales contracts and 42341
supporting documents relating to change of operator. 42342

(3) The requirement of division (A)(1) of this section is met 42343
after the time required by section 5111.67 of the Revised Code, 42344
the requirement of division (A)(2) of this section is met more 42345
than ten days after the effective date of the change of operator, 42346
or both. 42347

(4) The entering operator is eligible for medicaid payments 42348
as provided in section 5111.21 of the Revised Code. 42349

(B) The department shall determine the date a provider 42350
agreement entered into under this section is to go into effect as 42351
follows: 42352

(1) The effective date shall give the department sufficient 42353
time to process the change of operator, assure no duplicate 42354
payments are made, make the withholding required by section 42355
5111.681 of the Revised Code, and withhold the final payment to 42356
the exiting operator until the following: 42357

(a) Ninety days after the exiting operator submits to the 42358
department a properly completed cost report under section 5111.683 42359
of the Revised Code; 42360

(b) One hundred eighty days after the department waives the 42361

<u>cost report requirement of section 5111.683 of the Revised Code.</u>	42362
<u>(2) The effective date shall be not earlier than the later of</u>	42363
<u>the effective date of the change of operator or the date that the</u>	42364
<u>exiting operator or owner and entering operator comply with</u>	42365
<u>section 5111.67 of the Revised Code.</u>	42366
<u>(3) The effective date shall be not later than the following</u>	42367
<u>after the later of the dates specified in division (B)(2) of this</u>	42368
<u>section:</u>	42369
<u>(a) Forty-five days if the change of operator does not entail</u>	42370
<u>the relocation of residents;</u>	42371
<u>(b) Ninety days if the change of operator entails the</u>	42372
<u>relocation of residents.</u>	42373
<u>Sec. 5111.673.</u> <u>A provider agreement that the department of</u>	42374
<u>job and family services enters into with an entering operator</u>	42375
<u>under section 5111.671 or 5111.672 of the Revised Code shall</u>	42376
<u>satisfy all of the following requirements:</u>	42377
<u>(A) Comply with all applicable federal statutes and</u>	42378
<u>regulations;</u>	42379
<u>(B) Comply with section 5111.22 of the Revised Code and all</u>	42380
<u>other applicable state statutes and rules;</u>	42381
<u>(C) Include all the terms and conditions of the exiting</u>	42382
<u>operator's provider agreement, including, but not limited to, all</u>	42383
<u>of the following:</u>	42384
<u>(1) Any plan of correction;</u>	42385
<u>(2) Compliance with health and safety standards;</u>	42386
<u>(3) Compliance with the ownership and financial interest</u>	42387
<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	42388
<u>(4) Compliance with the civil rights requirements of 45</u>	42389
<u>C.F.R. parts 80, 84, and 90;</u>	42390

(5) Compliance with additional requirements imposed by the 42391
department; 42392

(6) Any sanctions relating to remedies for violation of the 42393
provider agreement, including deficiencies, compliance periods, 42394
accountability periods, monetary penalties, notification for 42395
correction of contract violations, and history of deficiencies. 42396

(D) Require the entering operator to assume the exiting 42397
operator's remaining debt to the department and United States 42398
centers for medicare and medicaid services that the department is 42399
unable to collect from the exiting operator; 42400

(E) Have a different provider agreement number than the 42401
exiting operator's provider agreement. 42402

Sec. 5111.674. In the case of a change of operator, the 42403
exiting operator shall be considered to be the operator of the 42404
nursing facility or intermediate care facility for the mentally 42405
retarded for purposes of the medicaid program, including medicaid 42406
payments, until the effective date of the entering operator's 42407
provider agreement if the provider agreement is entered into under 42408
section 5111.671 or 5111.672 of the Revised Code. 42409

Sec. 5111.675. The department of job and family services may 42410
enter into a provider agreement as provided in section 5111.22 of 42411
the Revised Code, rather than section 5111.671 or 5111.672 of the 42412
Revised Code, with an entering operator if the entering operator 42413
does not agree to a provider agreement that satisfies the 42414
requirements of division (C) or (D) of section 5111.673 of the 42415
Revised Code. The department may not enter into the provider 42416
agreement unless the department of health certifies the nursing 42417
facility or intermediate care facility for the mentally retarded 42418
under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42419
42 U.S.C.A. 1396, as amended. The effective date of the provider 42420

agreement shall not precede any of the following: 42421

(A) The date that the department of health certifies the facility; 42422
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(B) The effective date of the change of operator; 42424

(C) The date the requirement of section 5111.67 of the Revised Code is satisfied. 42425
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Sec. 5111.676. The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code governing adjustments to the medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded that undergoes a change of operator. No rate adjustment resulting from a change of operator shall be effective before the effective date of the entering operator's provider agreement. This is the case regardless of whether the provider agreement is entered into under section 5111.671, section 5111.672, or, pursuant to section 5111.675, section 5111.22 of the Revised Code. 42427
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Sec. 5111.677. Neither of the following shall affect the department of job and family services' determination of whether or when a change of operator occurs or the effective date of an entering operator's provider agreement under section 5111.671, section 5111.672, or, pursuant to section 5111.675, section 5111.22 of the Revised Code: 42437
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(A) The department of health's determination that a change of operator has or has not occurred for purposes of licensure under Chapter 3721. of the Revised Code; 42443
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(B) The department of mental retardation and developmental disabilities' determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code. 42446
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Sec. 5111.68. (A) On receipt of a written notice under 42450
section 5111.66 of the Revised Code of a facility closure, 42451
voluntary termination, or voluntary withdrawal of participation or 42452
a written notice under section 5111.67 of the Revised Code of a 42453
change of operator, the department of job and family services 42454
shall determine the amount of any overpayments made under the 42455
medicaid program to the exiting operator, including overpayments 42456
the exiting operator disputes, and other actual and potential 42457
debts the exiting operator owes or may owe to the department and 42458
United States centers for medicare and medicaid services under the 42459
medicaid program. In determining the exiting operator's other 42460
actual and potential debts to the department under the medicaid 42461
program, the department shall include all of the following that 42462
the department determines is applicable: 42463

(1) Refunds due the department under division (G) of section 42464
5111.25 of the Revised Code or division (H) of section 5111.251 of 42465
the Revised Code; 42466

(2) Interest owed to the department and United States centers 42467
for medicare and medicaid services; 42468

(3) Final civil monetary and other penalties for which all 42469
right of appeal has been exhausted; 42470

(4) Third-party liabilities; 42471

(5) Money owed the department and United States centers for 42472
medicare and medicaid services from any outstanding final fiscal 42473
audit, including a final fiscal audit for the last fiscal year or 42474
portion thereof in which the exiting operator participated in the 42475
medicaid program. 42476

(B) If the department is unable to determine the amount of 42477
the overpayments and other debts for any period before the 42478
effective date of the entering operator's provider agreement or 42479

the effective date of the facility closure, voluntary termination, 42480
or voluntary withdrawal of participation, the department shall 42481
make a reasonable estimate of the overpayments and other debts for 42482
the period. The department shall make the estimate using 42483
information available to the department, including prior 42484
determinations of overpayments and other debts. 42485

Sec. 5111.681. (A) The department of job and family services 42486
shall withhold the greater of the following from payment due an 42487
exiting operator under the medicaid program: 42488

(1) The total amount of any overpayments made under the 42489
medicaid program to the exiting operator, including overpayments 42490
the exiting operator disputes, and other actual and potential 42491
debts, including any unpaid penalties, the exiting operator owes 42492
or may owe to the department and United States centers for 42493
medicare and medicaid services under the medicaid program; 42494

(2) An amount equal to the average amount of monthly payments 42495
to the exiting operator under the medicaid program for the 42496
twelve-month period immediately preceding the month that includes 42497
the last day the exiting operator's provider agreement is in 42498
effect or, in the case of a voluntary withdrawal of participation, 42499
the effective date of the voluntary withdrawal of participation. 42500

(B) The department may transfer the amount withheld under 42501
division (A) of this section to an escrow account with a bank, 42502
trust company, or savings and loan association. 42503

(C) If payment due an exiting operator under the medicaid 42504
program is less than the amount the department is required to 42505
withhold under division (A) of this section, the department shall 42506
require that the exiting operator provide the difference in the 42507
form of a security. 42508

(D) The department shall release to the exiting operator the 42509

actual amount withheld under division (A) of this section if the 42510
department allows the exiting operator to provide the department a 42511
security in the amount the department is required to withhold 42512
under division (A) of this section, less any of that amount 42513
provided to the department in the form of a security under 42514
division (C) of this section. 42515

(E) Security provided to the department under division (C) or 42516
(D) of this section shall be in either or both of the following 42517
forms: 42518

(1) In the case of a change of operator, the entering 42519
operator's nontransferable, unconditional, written agreement to 42520
pay the department any debt the exiting operator owes the 42521
department under the medicaid program; 42522

(2) In the case of a change of operator, facility closure, 42523
voluntary termination, or voluntary withdrawal of participation, a 42524
form of collateral or security acceptable to the department that 42525
satisfies both of the following conditions: 42526

(a) Is at least equal to the amount the department is 42527
required to withhold under division (A) of this section, less any 42528
amounts the department has received through actual withholding or 42529
one or more other forms of security under this division; 42530

(b) Is payable to the department if the exiting operator 42531
fails to pay any debt owed the department under the medicaid 42532
program within fifteen days of receiving the department's written 42533
demand for payment of the debt. 42534

Sec. 5111.682. An entering operator that provides the 42535
department of job and family services a security in the form 42536
provided by division (E)(1) of section 5111.681 of the Revised 42537
Code shall also provide the department a list of the entering 42538
operator's assets and liabilities. The department shall determine 42539

whether the assets are sufficient for the purpose of the security. 42540

Sec. 5111.683. (A) Except as provided in division (B) of this 42541
section, an exiting operator shall file with the department of job 42542
and family services a cost report not later than ninety days after 42543
the last day the exiting operator's provider agreement is in 42544
effect or, in the case of a voluntary withdrawal of participation, 42545
the effective date of the voluntary withdrawal of participation. 42546
The cost report shall cover the period that begins with the day 42547
after the last day covered by the operator's most recent previous 42548
cost report required by section 5111.26 of the Revised Code and 42549
ends on the last day the exiting operator's provider agreement is 42550
in effect or, in the case of a voluntary withdrawal of 42551
participation, the effective date of the voluntary withdrawal of 42552
participation. The cost report shall include, as applicable, all 42553
of the following: 42554

(1) The sale price of the nursing facility or intermediate 42555
care facility for the mentally retarded; 42556

(2) A final depreciation schedule that shows which assets are 42557
transferred to the buyer and which assets are not transferred to 42558
the buyer; 42559

(3) Any other information the department requires. 42560

(B) The department, at its sole discretion, may waive the 42561
requirement that an exiting operator file a cost report in 42562
accordance with division (A) of this section. 42563

Sec. 5111.684. If an exiting operator required by section 42564
5111.683 of the Revised Code to file a cost report with the 42565
department of job and family services fails to file the cost 42566
report in accordance with that section, all payments under the 42567
medicaid program for the period the cost report is required to 42568
cover are deemed overpayments until the date the department 42569

receives the properly completed cost report. The department may 42570
impose on the exiting operator a penalty of one hundred dollars 42571
for each calendar day the properly completed cost report is late. 42572

Sec. 5111.685. The department of job and family services may 42573
not provide an exiting operator final payment under the medicaid 42574
program until the department receives all properly completed cost 42575
reports the exiting operator is required to file under sections 42576
5111.26 and 5111.683 of the Revised Code. 42577

Sec. 5111.686. The department of job and family services 42578
shall determine the actual amount of debt an exiting operator owes 42579
the department under the medicaid program by completing all final 42580
fiscal audits not already completed and performing all other 42581
appropriate actions the department determines to be necessary. The 42582
department shall issue a report on this matter not later than 42583
ninety days after the date the exiting operator files the properly 42584
completed cost report required by section 5111.683 of the Revised 42585
Code with the department or, if the department waives the cost 42586
report requirement for the exiting operator, one hundred eighty 42587
days after the date the department waives the cost report 42588
requirement. The report shall include the department's findings 42589
and the amount of debt the department determines the exiting 42590
operator owes the department and United States centers for 42591
medicare and medicaid services under the medicaid program. Only 42592
the parts of the report that are subject to an adjudication as 42593
specified in division (B) of section 5111.29 of the Revised Code 42594
are subject to an adjudication conducted in accordance with 42595
Chapter 119. of the Revised Code. 42596

Sec. 5111.687. The department of job and family services 42597
shall release the actual amount withheld under division (A) of 42598
section 5111.681 of the Revised Code, and any security provided to 42599

the department under that section, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows: 42600
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(A) Ninety-one days after the date the exiting operator files a properly completed cost report required by section 5111.683 of the Revised Code unless the department issues the report required by section 5111.686 of the Revised Code not later than ninety days after the date the exiting operator files the properly completed cost report; 42604
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(B) Not later than fifteen days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.686 of the Revised Code if the department issues the report not later than ninety days after the date the exiting operator files a properly completed cost report required by section 5111.683 of the Revised Code; 42610
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(C) One hundred eighty-one days after the date the department waives the cost report requirement of section 5111.683 of the Revised Code unless the department issues the report required by section 5111.686 of the Revised Code not later than one hundred eighty days after the date the department waives the cost report requirement; 42616
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(D) Not later than fifteen days after the exiting operator agrees to a final fiscal audit resulting from the report required by section 5111.686 of the Revised Code if the department issues the report not later than one hundred eighty days after the date the department waives the cost report requirement of section 5111.683 of the Revised Code. 42622
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Sec. 5111.688. If the actual amount the department of job and family services withholds from an exiting operator under division (A) of section 5111.681 of the Revised Code, and any security 42628
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provided to the department under that section, is inadequate to 42631
pay the exiting operator's debt to the department and United 42632
States centers for medicare and medicaid services under the 42633
medicaid program or the department is required to release the 42634
withholdings and security under section 5111.687 of the Revised 42635
Code before the department is paid the exiting operator's debt, 42636
the department shall collect the debt as follows: 42637

(A) From the exiting operator; 42638

(B) From the entering operator if the department is unable to 42639
collect the entire debt from the exiting operator and the entering 42640
operator entered into a provider agreement under section 5111.671 42641
or 5111.672 of the Revised Code. The department may collect the 42642
remaining debt by withholding the amount due from payments to the 42643
entering operator under the medicaid program. The department may 42644
enter into an agreement with the entering operator under which the 42645
entering operator pays the remaining debt, with applicable 42646
interest, in installments from withholdings from the entering 42647
operator's payments under the medicaid program. 42648

Sec. 5111.689. The department of job and family services, at 42649
its sole discretion, may release the amount withheld under 42650
division (A) of section 5111.681 of the Revised Code, and any 42651
security provided to the department under that section, if the 42652
exiting operator submits to the department written notice of a 42653
postponement of a change of operator, facility closure, voluntary 42654
termination, or voluntary withdrawal of participation and the 42655
transactions leading to the change of operator, facility closure, 42656
voluntary termination, or voluntary withdrawal of participation 42657
are postponed for at least thirty days but less than ninety days 42658
after the date originally proposed for the change of operator, 42659
facility closure, voluntary termination, or voluntary withdrawal 42660
of participation as reported in the written notice required by 42661

section 5111.66 or 5111.67 of the Revised Code. The department 42662
shall release the amount withheld and security if the exiting 42663
operator submits to the department written notice of a 42664
cancellation or postponement of a change of operator, facility 42665
closure, voluntary termination, or voluntary withdrawal of 42666
participation and the transactions leading to the change of 42667
operator, facility closure, voluntary termination, or voluntary 42668
withdrawal of participation are canceled, or postponed for more 42669
than ninety days after the date originally proposed for the change 42670
of operator, facility closure, voluntary termination, or voluntary 42671
withdrawal of participation as reported in the written notice 42672
required by section 5111.66 or 5111.67 of the Revised Code. 42673

After the department receives a written notice regarding a 42674
cancellation or postponement of a facility closure, voluntary 42675
termination, or voluntary withdrawal of participation, the exiting 42676
operator or owner shall provide new written notice to the 42677
department under section 5111.66 of the Revised Code regarding any 42678
transactions leading to a facility closure, voluntary termination, 42679
or voluntary withdrawal of participation at a future time. After 42680
the department receives a written notice regarding a cancellation 42681
or postponement of a change of operator, the exiting operator or 42682
owner and entering operator shall provide new written notice to 42683
the department under section 5111.67 of the Revised Code regarding 42684
any transactions leading to a change of operator at a future time. 42685

Sec. 5111.6810. The director of job and family services may 42686
adopt rules in accordance with Chapter 119. of the Revised Code to 42687
implement sections 5111.65 to 5111.6810 of the Revised Code, 42688
including rules applicable to an exiting operator that provides 42689
written notification under section 5111.66 of the Revised Code of 42690
a voluntary withdrawal of participation. Rules adopted under this 42691
section shall comply with section 1919(c)(2)(F) of the "Social 42692
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396r(c)(2)(F), 42693

regarding restrictions on transfers or discharges of nursing facility residents in the case of a voluntary withdrawal of participation. The rules may prescribe a medicaid reimbursement methodology and other procedures that are applicable after the effective date of a voluntary withdrawal of participation that differ from the reimbursement methodology and other procedures that would otherwise apply.

Sec. 5111.81. There is hereby established the pharmacy and therapeutics committee of the department of job and family services. The committee shall consist of eight members and shall be appointed by the director of job and family services. The membership of the committee shall include+ two pharmacists licensed under Chapter 4729. of the Revised Code+ two doctors of medicine and two doctors of osteopathy licensed under Chapter 4731. of the Revised Code+ a registered nurse licensed under Chapter 4723. of the Revised Code+ and a pharmacologist who has a doctoral degree. The committee shall elect one of its members as chairperson.

The committee shall accept any written or oral testimony presented at any public meeting of the committee.

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 management system established under section ~~5111.17~~ 5111.16 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:	42724
(1) Eligibility requirements for the medicaid waiver components;	42725 42726
(2) The type, amount, duration, and scope of services the medicaid waiver components provide;	42727 42728
(3) The conditions under which the medicaid waiver components cover services;	42729 42730
(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;	42731 42732
(5) The manner in which the medicaid waiver components pay for services;	42733 42734
(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;	42735 42736
(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.	42737 42738 42739 42740 42741 42742
(8) Other policies necessary for the efficient administration of the medicaid waiver components.	42743 42744
(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.	42745 42746 42747 42748
(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	42749 42750 42751 42752 42753

determines pursuant to a review that a person or government entity 42754
has violated a rule governing a medicaid waiver component, the 42755
director may establish a corrective action plan for the violator 42756
and impose fiscal, administrative, or both types of sanctions on 42757
the violator in accordance with rules adopted under division (B) 42758
of this section. 42759

Sec. 5111.87. (A) As used in this section and section 42760
5111.871 of the Revised Code, "intermediate care facility for the 42761
mentally retarded" has the same meaning as in section 5111.20 of 42762
the Revised Code. 42763

(B) The director of job and family services may apply to the 42764
United States secretary of health and human services for ~~one~~ both 42765
of the following: 42766

(1) One or more medicaid waivers under which home and 42767
community-based services are provided to individuals with mental 42768
retardation or other developmental disability as an alternative to 42769
placement in an intermediate care facility for the mentally 42770
retarded; 42771

(2) One or more medicaid waivers that operate for three to 42772
four years each and under which home and community-based services 42773
are provided in the form of either or both of the following: 42774

(a) Early intervention services for children under three 42775
years of age that are provided or arranged by county boards of 42776
mental retardation and developmental disabilities; 42777

(b) Therapeutic services for children with autism. Before the 42778
director applies 42779

(C) The director of mental retardation and developmental 42780
disabilities may request that the director of job and family 42781
services apply for one or more medicaid waivers under this 42782
section. 42783

(D) Before applying for a waiver under this section, the 42784
director of job and family services shall seek, accept, and 42785
consider public comments. 42786

Sec. 5111.871. The department of job and family services 42787
shall enter into a contract with the department of mental 42788
retardation and developmental disabilities under section 5111.91 42789
of the Revised Code with regard to the ~~component~~ components of the 42790
medicaid program established by the department of job and family 42791
services under ~~one or more~~ the medicaid waivers ~~from the United~~ 42792
~~States secretary of health and human services pursuant to section~~ 42793
~~1915 of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 42794
~~U.S.C.A. 1396n, as amended, to provide eligible medicaid~~ 42795
~~recipients with home and community based services as an~~ 42796
~~alternative to placement in an intermediate care facility for the~~ 42797
~~mentally retarded~~ sought under section 5111.87 of the Revised 42798
Code. The contract shall provide for the department of mental 42799
retardation and developmental disabilities to administer the 42800
~~component~~ components in accordance with the terms of the ~~waiver~~ 42801
waivers. The directors of job and family services and mental 42802
retardation and developmental disabilities shall adopt rules in 42803
accordance with Chapter 119. of the Revised Code governing the 42804
~~component~~ components. 42805

If the department of mental retardation and developmental 42806
disabilities or the department of job and family services denies 42807
an individual's application for home and community-based services 42808
provided under ~~this~~ any of these medicaid ~~component~~ components, 42809
the department that denied the services shall give timely notice 42810
to the individual that the individual may request a hearing under 42811
section 5101.35 of the Revised Code. 42812

The departments of mental retardation and developmental 42813
disabilities and job and family services may approve, reduce, 42814

deny, or terminate a service included in the individualized 42815
service plan developed for a medicaid recipient eligible for home 42816
and community-based services provided under ~~this~~ any of these 42817
medicaid ~~component~~ components. The departments shall consider the 42818
recommendations a county board of mental retardation and 42819
developmental disabilities makes under division (A)(1)(c) of 42820
section 5126.055 of the Revised Code. If either department 42821
approves, reduces, denies, or terminates a service, that 42822
department shall give timely notice to the medicaid recipient that 42823
the recipient may request a hearing under section 5101.35 of the 42824
Revised Code. 42825

If supported living or residential services, as defined in 42826
section 5126.01 of the Revised Code, are to be provided under ~~this~~ 42827
~~component~~ any of these components, any person or government entity 42828
with a current, valid medicaid provider agreement and a current, 42829
valid license under section 5123.19 or certificate under section 42830
5123.045 or 5126.431 of the Revised Code may provide the services. 42831

Sec. 5111.872. When the department of mental retardation and 42832
developmental disabilities allocates enrollment numbers to a 42833
county board of mental retardation and developmental disabilities 42834
for home and community-based services provided under the component 42835
of the medicaid program that the department administers under 42836
section 5111.871 of the Revised Code, the department shall 42837
consider all of the following: 42838

(A) The number of individuals with mental retardation or 42839
other developmental disability who are on a waiting list the 42840
county board establishes under division (C) of section 5126.042 of 42841
the Revised Code for those services and are given priority on the 42842
waiting list pursuant to division (D) or (E) of that section; 42843

(B) The implementation component required by division (A)(4) 42844
of section 5126.054 of the Revised Code of the county board's plan 42845

approved under section 5123.046 of the Revised Code; 42846

(C) Anything else the department considers necessary to 42847
enable county boards to provide those services to individuals in 42848
accordance with the priority requirements of ~~division~~ divisions 42849
(D) and (E) of section 5126.042 of the Revised Code. 42850

Sec. 5111.873. (A) Not later than the effective date of the 42851
first of any medicaid waivers the United States secretary of 42852
health and human services grants pursuant to a request made under 42853
section 5111.87 of the Revised Code, the director of job and 42854
family services shall adopt rules in accordance with Chapter 119. 42855
of the Revised Code establishing statewide fee schedules for home 42856
and community-based services provided under the component of the 42857
medicaid program authorized by that waiver that the department of 42858
mental retardation and developmental disabilities administers 42859
under section 5111.871 of the Revised Code. The rules shall 42860
provide for all of the following: 42861

(1) The department of mental retardation and developmental 42862
disabilities arranging for the initial and ongoing collection of 42863
cost information from a comprehensive, statistically valid sample 42864
of persons and government entities providing the services at the 42865
time the information is obtained; 42866

(2) The collection of consumer-specific information through 42867
an assessment instrument the department of mental retardation and 42868
developmental disabilities shall provide to the department of job 42869
and family services; 42870

(3) With the information collected pursuant to divisions 42871
(A)(1) and (2) of this section, an analysis of that information, 42872
and other information the director determines relevant, methods 42873
and standards for calculating the fee schedules that do all of the 42874
following: 42875

(a) Assure that the fees are consistent with efficiency, economy, and quality of care;	42876 42877
(b) Consider the intensity of consumer resource need;	42878
(c) Recognize variations in different geographic areas regarding the resources necessary to assure the health and welfare of consumers;	42879 42880 42881
(d) Recognize variations in environmental supports available to consumers.	42882 42883
(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.	42884 42885 42886 42887 42888 42889 42890
(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.	42891 42892 42893 42894 42895 42896
<u>Sec. 5111.911. Any contract the department of job and family services enters into with the department of mental health or department of alcohol and drug addiction services under section 5111.91 of the Revised Code is subject to the approval of the director of budget and management and shall require or specify all of the following:</u>	42897 42898 42899 42900 42901 42902
<u>(A) In the case of a contract with the department of mental health, that section 5111.912 of the Revised Code be complied with;</u>	42903 42904 42905

(B) In the case of a contract with the department of alcohol and drug addiction services, that section 5111.913 of the Revised Code be complied with; 42906
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(C) How providers will be paid for providing the services; 42909

(D) The department of mental health's or department of alcohol and drug addiction services' responsibilities for reimbursing providers, including program oversight and quality assurance. 42910
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Sec. 5111.912. If the department of job and family services enters into a contract with the department of mental health under section 5111.91 of the Revised Code, the department of mental health and boards of alcohol, drug addiction, and mental health services shall pay the nonfederal share of any medicaid payment to a provider for services under the component, or aspect of the component, the department of mental health administers. 42914
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Sec. 5111.913. If the department of job and family services enters into a contract with the department of alcohol and drug addiction services under section 5111.91 of the Revised Code, the department of alcohol and drug addiction services and boards of alcohol, drug addiction, and mental health services shall pay the nonfederal share of any medicaid payment to a provider for services under the component, or aspect of the component, the department of alcohol and drug addiction services administers. 42921
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Sec. 5111.94. (A) As used in this section, "vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider. 42929
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(B) There is hereby created in the state treasury the health care services administration fund. Except as provided in division (C) of this section, all the following shall be deposited into the 42932
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fund:	42935
(1) Amounts deposited into the fund pursuant to sections 5111.92 and 5111.93 of the Revised Code;	42936 42937
(2) The amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers pursuant to a tort action under the department's right of recovery under section 5101.58 of the Revised Code that exceeds the state share of all money the department, in fiscal year 2002, recovers pursuant to a tort action under that right of recovery;	42938 42939 42940 42941 42942 42943 42944
(3) Subject to division (D) of this section, the amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers through audits of medicaid providers that exceeds the state share of all money the department, in fiscal year 2002, recovers through such audits;	42945 42946 42947 42948 42949 42950
(4) Until October 16, 2003, amounts <u>Amounts</u> from assessments on hospitals under section 5112.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5112.07 of the Revised Code that are deposited into the fund in accordance with the law.	42951 42952 42953 42954 42955
(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.	42956 42957 42958
(D) In determining under division (B)(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded.	42959 42960 42961 42962
(E) The director of job and family services shall use funds available in the health care services administration fund to pay for costs associated with the administration of the medicaid	42963 42964 42965

program. 42966

Sec. 5111.95. (A) As used in this section: 42967

(1) "Applicant" means a person who is under final 42968
consideration for employment or, after the effective date of this 42969
section, an existing employee with a waiver agency in a full-time, 42970
part-time, or temporary position that involves providing home and 42971
community-based waiver services to a person with disabilities. 42972
"Applicant" also means an existing employee with a waiver agency 42973
in a full-time, part-time, or temporary position that involves 42974
providing home and community-based waiver services to a person 42975
with disabilities after the effective date of this section. 42976

(2) "Criminal records check" has the same meaning as in 42977
section 109.572 of the Revised Code. 42978

(3) "Waiver agency" means a person or government entity that 42979
is not certified under the medicare program and is accredited by 42980
the community health accreditation program or the joint commission 42981
on accreditation of health care organizations or a company that 42982
provides home and community-based waiver services to persons with 42983
disabilities through any department of job and family services 42984
administered home and community-based waiver services. 42985

(4) "Home and community-based waiver services" means services 42986
furnished under the provision of 42 C.F.R. 441, subpart G, that 42987
permit individuals to live in a home setting rather than a nursing 42988
facility or hospital. Home and community-based waiver services are 42989
approved by the county medical services section of the department 42990
of job and family services for specific populations and are not 42991
otherwise available under the medicaid state plan. 42992

(B)(1) The chief administrator of a waiver agency shall 42993
request that the superintendent of the bureau of criminal 42994
identification and investigation conduct a criminal records check 42995

with respect to each applicant. If an applicant for whom a 42996
criminal records check request is required under this division 42997
does not present proof of having been a resident of this state for 42998
the five-year period immediately prior to the date the criminal 42999
records check is requested or provide evidence that within that 43000
five-year period the superintendent has requested information 43001
about the applicant from the federal bureau of investigation in a 43002
criminal records check, the chief administrator shall request that 43003
the superintendent obtain information from the federal bureau of 43004
investigation as part of the criminal records check of the 43005
applicant. Even if an applicant for whom a criminal records check 43006
request is required under this division presents proof of having 43007
been a resident of this state for the five-year period, the chief 43008
administrator may request that the superintendent include 43009
information from the federal bureau of investigation in the 43010
criminal records check. 43011

(2) A person required by division (B)(1) of this section to 43012
request a criminal records check shall do both of the following: 43013

(a) Provide to each applicant for whom a criminal records 43014
check request is required under division (B)(1) of this section a 43015
copy of the form prescribed pursuant to division (C)(1) of section 43016
109.572 of the Revised Code and a standard fingerprint impression 43017
sheet prescribed pursuant to division (C)(2) of that section, and 43018
obtain the completed form and impression sheet from the applicant; 43019

(b) Forward the completed form and impression sheet to the 43020
superintendent of the bureau of criminal identification and 43021
investigation. 43022

(3) An applicant provided the form and fingerprint impression 43023
sheet under division (B)(2)(a) of this section who fails to 43024
complete the form or provide fingerprint impressions shall not be 43025
employed in any position in a waiver agency for which a criminal 43026
records check is required by this section. 43027

(C)(1) Except as provided in rules adopted by the department of job and family services in accordance with division (F) of this section and subject to division (C)(2) of this section, no waiver agency shall employ a person in a position that involves providing home and community-based waiver services to persons with disabilities if the person has been convicted of or pleaded guilty to any of the following: 43028
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; 43035
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section. 43052
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(2)(a) A waiver agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the agency shall request a criminal records check regarding the 43055
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individual in accordance with division (B)(1) of this section not 43060
later than five business days after the individual begins 43061
conditional employment. 43062

(b) A waiver agency that employs an individual conditionally 43063
under authority of division (C)(2)(a) of this section shall 43064
terminate the individual's employment if the results of the 43065
criminal records check request under division (B) of this section, 43066
other than the results of any request for information from the 43067
federal bureau of investigation, are not obtained within the 43068
period ending sixty days after the date the request is made. 43069
Regardless of when the results of the criminal records check are 43070
obtained, if the results indicate that the individual has been 43071
convicted of or pleaded guilty to any of the offenses listed or 43072
described in division (C)(1) of this section, the agency shall 43073
terminate the individual's employment unless the agency chooses to 43074
employ the individual pursuant to division (F) of this section. 43075
Termination of employment under this division shall be considered 43076
just cause for discharge for purposes of division (D)(2) of 43077
section 4141.29 of the Revised Code if the individual makes any 43078
attempt to deceive the agency about the individual's criminal 43079
record. 43080

(D)(1) Each waiver agency shall pay to the bureau of criminal 43081
identification and investigation the fee prescribed pursuant to 43082
division (C)(3) of section 109.572 of the Revised Code for each 43083
criminal records check conducted pursuant to a request made under 43084
division (B) of this section. 43085

(2) A waiver agency may charge an applicant a fee not 43086
exceeding the amount the agency pays under division (D)(1) of this 43087
section. An agency may collect a fee only if the agency notifies 43088
the person at the time of initial application for employment of 43089
the amount of the fee and that, unless the fee is paid, the person 43090
will not be considered for employment. 43091

(E) The report of any criminal records check conducted 43092
pursuant to a request made under this section is not a public 43093
record for the purposes of section 149.43 of the Revised Code and 43094
shall not be made available to any person other than the 43095
following: 43096

(1) The individual who is the subject of the criminal records 43097
check or the individual's representative; 43098

(2) The chief administrator of the agency requesting the 43099
criminal records check or the administrator's representative; 43100

(3) A court, hearing officer, or other necessary individual 43101
involved in a case dealing with a denial of employment of the 43102
applicant or dealing with employment or unemployment benefits of 43103
the applicant. 43104

(F) The department shall adopt rules in accordance with 43105
Chapter 119. of the Revised Code to implement this section. The 43106
rules shall specify circumstances under which a waiver agency may 43107
employ a person who has been convicted of or pleaded guilty to an 43108
offense listed or described in division (C)(1) of this section but 43109
meets personal character standards set by the department. 43110

(G) The chief administrator of a waiver agency shall inform 43111
each person, at the time of initial application for a position 43112
that involves providing home and community-based waiver services 43113
to a person with a disability, that the person is required to 43114
provide a set of fingerprint impressions and that a criminal 43115
records check is required to be conducted if the person comes 43116
under final consideration for employment. 43117

(H)(1) A person who, on the effective date of this section, 43118
is an employee of a waiver agency in a full-time, part-time, or 43119
temporary position that involves providing home and 43120
community-based waiver services to a person with disabilities 43121
shall comply with this section within sixty days after the 43122

effective date of this section unless division (H)(2) of this section applies. 43123
43124

(2) This section shall not apply to a person to whom both of the following apply: 43125
43126

(a) On the effective date of this section, the person is an employee of a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities. 43127
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(b) The person previously had been the subject of a criminal background check relating to that position; 43131
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(c) The person has been continuously employed in that position since that criminal background check had been conducted. 43133
43134

Sec. 5111.96. (A) As used in this section: 43135

(1) "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after the effective date of this section. 43136
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 43139
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(3) "The department" means the department of job and family services or its designee. 43141
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(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities. 43143
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(5) "Home and community-based waiver services" has the same meaning as in section 5111.95 of the Revised Code. 43149
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(B)(1) The department shall inform each independent provider, 43151

at the time of initial application for a provider agreement that 43152
involves providing home and community-based waiver services to 43153
consumers with disabilities, that the independent provider is 43154
required to provide a set of fingerprint impressions and that a 43155
criminal records check is required to be conducted if the person 43156
is to become an independent provider in a department administered 43157
home and community-based services program. 43158

(2) Beginning on the effective date of this section, the 43159
department shall inform each enrolled medicaid independent 43160
provider on or before time of the anniversary date of the provider 43161
agreement that involves providing home and community-based waiver 43162
services to consumers with disabilities that the independent 43163
provider is required to provide a set of fingerprint impressions 43164
and that a criminal records check is required to be conducted. 43165

(C)(1) The department shall require the independent provider 43166
to complete a criminal records check prior to entering into a 43167
provider agreement with the independent provider and at least 43168
annually thereafter. If an independent provider for whom a 43169
criminal records check is required under this division does not 43170
present proof of having been a resident of this state for the 43171
five-year period immediately prior to the date the criminal 43172
records check is requested or provide evidence that within that 43173
five-year period the superintendent has requested information 43174
about the applicant from the federal bureau of investigation in a 43175
criminal records check, the department shall request the 43176
independent provider obtain through the superintendent a criminal 43177
records request from the federal bureau of investigation as part 43178
of the criminal records check of the independent provider. Even if 43179
an independent provider for whom a criminal records check request 43180
is required under this division presents proof of having been a 43181
resident of this state for the five-year period, the department 43182
may request that the independent provider obtain information 43183

through the superintendent from the federal bureau of 43184
investigation in the criminal records check. 43185

(2) The department shall do both of the following: 43186

(a) Provide information to each independent provider for whom 43187
a criminal records check request is required under division (C)(1) 43188
of this section about requesting a copy of the form prescribed 43189
pursuant to division (C)(1) of section 109.572 of the Revised Code 43190
and a standard fingerprint impression sheet prescribed pursuant to 43191
division (C)(2) of that section, and obtain the completed form and 43192
impression sheet and fee from the independent provider; 43193

(b) Forward the completed form, impression sheet, and fee to 43194
the superintendent of the bureau of criminal identification and 43195
investigation. 43196

(3) An independent provider given information about obtaining 43197
the form and fingerprint impression sheet under division (C)(2)(a) 43198
of this section who fails to complete the form or provide 43199
fingerprint impressions shall not be approved as an independent 43200
provider. 43201

(D) Except as provided in rules adopted by the department in 43202
accordance with division (G) of this section, the department shall 43203
not issue a new provider agreement to, and shall terminate an 43204
existing provider agreement of, an independent provider if the 43205
person has been convicted of or pleaded guilty to any of the 43206
following: 43207

(1) A violation of section 2903.01, 2903.02, 2903.03, 43208
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 43209
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 43210
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 43211
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 43212
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 43213
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 43214

2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 43215
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 43216
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 43217
Revised Code, felonious sexual penetration in violation of former 43218
section 2907.12 of the Revised Code, a violation of section 43219
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 43220
violation of section 2919.23 of the Revised Code that would have 43221
been a violation of section 2905.04 of the Revised Code as it 43222
existed prior to July 1, 1996, had the violation been committed 43223
prior to that date; 43224

(2) An existing or former law of this state, any other state, 43225
or the United States that is substantially equivalent to any of 43226
the offenses listed in division (D)(1) of this section. 43227

(E) Each independent provider shall pay to the bureau of 43228
criminal identification and investigation the fee prescribed 43229
pursuant to division (C)(3) of section 109.572 of the Revised Code 43230
for each criminal records check conducted pursuant to a request 43231
made under division (C) of this section. 43232

(F) The report of any criminal records check conducted by the 43233
bureau of criminal identification and investigation in accordance 43234
with section 109.572 of the Revised Code and pursuant to a request 43235
made under division (C) of this section is not a public record for 43236
the purposes of section 149.43 of the Revised Code and shall not 43237
be made available to any person other than the following: 43238

(1) The person who is the subject of the criminal records 43239
check or the person's representative; 43240

(2) The administrator at the department who is requesting the 43241
criminal records check or the administrator's representative; 43242

(3) Any court, hearing officer, or other necessary individual 43243
involved in a case dealing with a denial or termination of a 43244
provider agreement related to the criminal records check. 43245

(G) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department may issue a provider agreement to an independent provider who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the department. 43246
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Sec. 5111.97. (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. 1396n, as amended, to obtain waivers of federal medicaid requirements that would otherwise be violated in the creation and implementation of two medicaid home and community-based services programs to replace the Ohio home care program being operated pursuant to rules adopted under sections 5111.01 and 5111.02 of the Revised Code and a medicaid waiver granted prior to the effective date of this section. In the request, the director may specify the following: 43253
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(1) That one of the replacement programs will provide home and community-based services to individuals in need of nursing facility care, including individuals enrolled in the Ohio home care program; 43264
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(2) That the other replacement program will provide services to individuals in need of hospital care, including individuals enrolled in the Ohio home care program; 43268
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(3) That there will be a maximum number of individuals who may be enrolled in the replacement programs in addition to the number of individuals to be transferred from the Ohio home care program; 43271
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(4) That there will be a maximum amount the department may 43275

expend each year for each individual enrolled in the replacement programs; 43276
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(5) That there will be a maximum aggregate amount the department may expend each year for all individuals enrolled in the replacement programs; 43278
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(6) Any other requirement the director selects for the replacement programs. 43281
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(B) If the secretary grants the medicaid waivers requested, the director may create and implement the replacement programs in accordance with the provisions of the waivers granted. The department of job and family services shall administer the replacement programs. 43283
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As the replacement programs are implemented, the director shall reduce the maximum number of individuals who may be enrolled in the Ohio home care program by the number of individuals who are transferred to the replacement programs. When all individuals who are eligible to be transferred to the replacement programs have been transferred, the director may submit to the secretary an amendment to the state medicaid plan to provide for the elimination of the Ohio home care program. 43288
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Sec. 5111.98. (A) As used in sections 5111.98 to 5111.982 of the Revised Code: 43296
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(1) "Personal care services," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 43298
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(2) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 43301
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(B) The director of job and family services may apply to the United States secretary of health and human services for a waiver pursuant to section 1915 of the "Social Security Act," 49 Stat. 43303
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620 (1935), 42 U.S.C. 1396n, as amended, to provide personal care services to individuals in residential care facilities. 43306
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Sec. 5111.981. If a waiver submitted under section 5111.98 of the Revised Code is approved, the department of job and family services may establish the personal care services program. The department may enter into an interagency agreement with the department of aging under section 5111.91 of the Revised Code for administration of the personal care services program by the department of aging. 43308
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Under the program, personal care services may be provided to any medicaid recipient who qualifies for skilled nursing care and is one of the following: 43315
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(A) A resident of a nursing facility who desires to move to a residential care facility; 43318
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(B) A participant in the PASSPORT program created under section 173.40 of the Revised Code who seeks to enter a nursing facility; 43320
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(C) A resident of a residential care facility who seeks to enter a nursing facility. 43323
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Sec. 5111.982. If the personal care services program is established under section 5111.981 of the Revised Code, the department of job and family services shall adopt rules governing the program. If the department, pursuant to section 5111.981 of the Revised Code, enters into an interagency agreement with the department of aging under section 5111.91 of the Revised Code, the department shall consult with the department of aging before adopting the rules. 43325
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Sec. 5112.03. (A) The director of job and family services shall adopt, and may amend and rescind, rules in accordance with 43333
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Chapter 119. of the Revised Code for the purpose of administering 43335
sections 5112.01 to 5112.21 of the Revised Code, including rules 43336
that do all of the following: 43337

(1) Define as a "disproportionate share hospital" any 43338
hospital included under subsection (b) of section 1923 of the 43339
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 43340
1396r-4(b), as amended, and any other hospital the director 43341
determines appropriate; 43342

(2) Prescribe the form for submission of cost reports under 43343
section 5112.04 of the Revised Code; 43344

(3) Establish, in accordance with division (A) of section 43345
5112.06 of the Revised Code, the assessment rate or rates to be 43346
applied to hospitals under that section; 43347

(4) Establish schedules for hospitals to pay installments on 43348
their assessments under section 5112.06 of the Revised Code and 43349
for governmental hospitals to pay installments on their 43350
intergovernmental transfers under section 5112.07 of the Revised 43351
Code; 43352

(5) Establish procedures to notify hospitals of adjustments 43353
made under division (B)(2)(b) of section 5112.06 of the Revised 43354
Code in the amount of installments on their assessment; 43355

(6) Establish procedures to notify hospitals of adjustments 43356
made under division (D) of section 5112.09 of the Revised Code in 43357
the total amount of their assessment and to adjust for the 43358
remainder of the program year the amount of the installments on 43359
the assessments; 43360

(7) Establish, in accordance with section 5112.08 of the 43361
Revised Code, the methodology for paying hospitals under that 43362
section. 43363

The director shall consult with hospitals when adopting the 43364

rules required by divisions (A)(4) and (5) of this section in 43365
order to minimize hospitals' cash flow difficulties. 43366

(B) Rules adopted under this section may provide that "total 43367
facility costs" excludes costs associated with any of the 43368
following: 43369

(1) Recipients of the medical assistance program; 43370

(2) Recipients of financial assistance provided under Chapter 43371
5115. of the Revised Code; 43372

(3) Recipients of ~~disability assistance~~ medical assistance 43373
provided under Chapter 5115. of the Revised Code; 43374

~~(3)~~(4) Recipients of the program for medically handicapped 43375
children established under section 3701.023 of the Revised Code; 43376

~~(4)~~(5) Recipients of the medicare program established under 43377
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 43378
U.S.C.A. 301, as amended: 43379

~~(5)~~(6) Recipients of Title V of the "Social Security Act"; 43380

~~(6)~~(7) Any other category of costs deemed appropriate by the 43381
director in accordance with Title XIX of the "Social Security Act" 43382
and the rules adopted under that title. 43383

Sec. 5112.08. The director of job and family services shall 43384
adopt rules under section 5112.03 of the Revised Code establishing 43385
a methodology to pay hospitals that is sufficient to expend all 43386
money in the indigent care pool. Under the rules: 43387

(A) The department of job and family services may classify 43388
similar hospitals into groups and allocate funds for distribution 43389
within each group. 43390

(B) The department shall establish a method of allocating 43391
funds to hospitals, taking into consideration the relative amount 43392
of indigent care provided by each hospital or group of hospitals. 43393

The amount to be allocated shall be based on any combination of 43394
the following indicators of indigent care that the director 43395
considers appropriate: 43396

(1) Total costs, volume, or proportion of services to 43397
recipients of the medical assistance program, including recipients 43398
enrolled in health insuring corporations; 43399

(2) Total costs, volume, or proportion of services to 43400
low-income patients in addition to recipients of the medical 43401
assistance program, which may include recipients of Title V of the 43402
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 43403
amended, and ~~disability~~ recipients of financial or medical 43404
assistance ~~established~~ provided under Chapter 5115. of the Revised 43405
Code; 43406

(3) The amount of uncompensated care provided by the hospital 43407
or group of hospitals; 43408

(4) Other factors that the director considers to be 43409
appropriate indicators of indigent care. 43410

(C) The department shall distribute funds to each hospital or 43411
group of hospitals in a manner that first may provide for an 43412
additional distribution to individual hospitals that provide a 43413
high proportion of indigent care in relation to the total care 43414
provided by the hospital or in relation to other hospitals. The 43415
department shall establish a formula to distribute the remainder 43416
of the funds. The formula shall be consistent with section 1923 of 43417
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 43418
be based on any combination of the indicators of indigent care 43419
listed in division (B) of this section that the director considers 43420
appropriate. 43421

(D) The department shall distribute funds to each hospital in 43422
installments not later than ten working days after the deadline 43423
established in rules for each hospital to pay an installment on 43424

its assessment under section 5112.06 of the Revised Code. In the 43425
case of a governmental hospital that makes intergovernmental 43426
transfers, the department shall pay an installment under this 43427
section not later than ten working days after the earlier of that 43428
deadline or the deadline established in rules for the governmental 43429
hospital to pay an installment on its intergovernmental transfer. 43430
If the amount in the hospital care assurance program fund and the 43431
hospital care assurance match fund created under section 5112.18 43432
of the Revised Code is insufficient to make the total 43433
distributions for which hospitals are eligible to receive in any 43434
period, the department shall reduce the amount of each 43435
distribution by the percentage by which the amount is 43436
insufficient. The department shall distribute to hospitals any 43437
amounts not distributed in the period in which they are due as 43438
soon as moneys are available in the funds. 43439

Sec. 5112.17. (A) As used in this section: 43440

(1) "Federal poverty guideline" means the official poverty 43441
guideline as revised annually by the United States secretary of 43442
health and human services in accordance with section 673 of the 43443
"Community Service Block Grant Act," 95 Stat. 511 (1981), 42 43444
U.S.C.A. 9902, as amended, for a family size equal to the size of 43445
the family of the person whose income is being determined. 43446

(2) "Third-party payer" means any private or public entity or 43447
program that may be liable by law or contract to make payment to 43448
or on behalf of an individual for health care services. 43449

"Third-party payer" does not include a hospital. 43450

(B) Each hospital that receives funds distributed under 43451
sections 5112.01 to 5112.21 of the Revised Code shall provide, 43452
without charge to the individual, basic, medically necessary 43453
hospital-level services to individuals who are residents of this 43454
state, are not recipients of the medical assistance program, and 43455

whose income is at or below the federal poverty guideline. 43456
Recipients of disability financial assistance and recipients of 43457
disability medical assistance provided under Chapter 5115. of the 43458
Revised Code qualify for services under this section. The director 43459
of job and family services shall adopt rules under section 5112.03 43460
of the Revised Code specifying the hospital services to be 43461
provided under this section. 43462

(C) Nothing in this section shall be construed to prevent a 43463
hospital from requiring an individual to apply for eligibility 43464
under the medical assistance program before the hospital processes 43465
an application under this section. Hospitals may bill any 43466
third-party payer for services rendered under this section. 43467
Hospitals may bill the medical assistance program, in accordance 43468
with Chapter 5111. of the Revised Code and the rules adopted under 43469
that chapter, for services rendered under this section if the 43470
individual becomes a recipient of the program. Hospitals may bill 43471
individuals for services under this section if all of the 43472
following apply: 43473

(1) The hospital has an established post-billing procedure 43474
for determining the individual's income and canceling the charges 43475
if the individual is found to qualify for services under this 43476
section. 43477

(2) The initial bill, and at least the first follow-up bill, 43478
is accompanied by a written statement that does all of the 43479
following: 43480

(a) Explains that individuals with income at or below the 43481
federal poverty guideline are eligible for services without 43482
charge; 43483

(b) Specifies the federal poverty guideline for individuals 43484
and families of various sizes at the time the bill is sent; 43485

(c) Describes the procedure required by division (C)(1) of 43486

this section. 43487

(3) The hospital complies with any additional rules the 43488
department adopts under section 5112.03 of the Revised Code. 43489

Notwithstanding division (B) of this section, a hospital 43490
providing care to an individual under this section is subrogated 43491
to the rights of any individual to receive compensation or 43492
benefits from any person or governmental entity for the hospital 43493
goods and services rendered. 43494

(D) Each hospital shall collect and report to the department, 43495
in the form and manner prescribed by the department, information 43496
on the number and identity of patients served pursuant to this 43497
section. 43498

(E) This section applies beginning May 22, 1992, regardless 43499
of whether the department has adopted rules specifying the 43500
services to be provided. Nothing in this section alters the scope 43501
or limits the obligation of any governmental entity or program, 43502
including the program awarding reparations to victims of crime 43503
under sections 2743.51 to 2743.72 of the Revised Code and the 43504
program for medically handicapped children established under 43505
section 3701.023 of the Revised Code, to pay for hospital services 43506
in accordance with state or local law. 43507

Sec. 5112.31. The department of job and family services 43508
shall: 43509

(A) For the purpose of providing home and community-based 43510
services for mentally retarded and developmentally disabled 43511
persons, annually assess each intermediate care facility for the 43512
mentally retarded a franchise permit fee equal to nine dollars and 43513
~~twenty-four~~ sixty-three cents multiplied by the product of the 43514
following: 43515

(1) The number of beds certified under Title XIX of the 43516

"Social Security Act" on the first day of May of the calendar year 43517
in which the assessment is determined pursuant to division (A) of 43518
section 5112.33 of the Revised Code; 43519

(2) The number of days in the fiscal year beginning on the 43520
first day of July of the same calendar year. 43521

(B) ~~Not later than~~ Beginning July 1, ~~1996~~ 2005, and the first 43522
day of each July thereafter, adjust fees determined under division 43523
(A) of this section in accordance with the composite inflation 43524
factor established in rules adopted under section 5112.39 of the 43525
Revised Code. 43526

If the United States secretary of health and human services 43527
determines that the franchise permit fee established by sections 43528
5112.30 to 5112.39 of the Revised Code would be an impermissible 43529
health care-related tax under section 1903(w) of the "Social 43530
Security Act," 42 U.S.C.A. 1396b(w), as amended, the department 43531
shall take all necessary actions to cease implementation of those 43532
sections in accordance with rules adopted under section 5112.39 of 43533
the Revised Code. 43534

Sec. 5112.99. (A) The director of job and family services 43535
shall impose a penalty ~~of one hundred dollars~~ for each day that a 43536
hospital fails to report the information required under section 43537
5112.04 of the Revised Code on or before the dates specified in 43538
that section. The amount of the penalty shall be established by 43539
the director in rules adopted under section 5112.03 of the Revised 43540
Code. 43541

(B) In addition to any other remedy available to the 43542
department of job and family services under law to collect unpaid 43543
assessments and transfers, the director shall impose a penalty of 43544
ten per cent of the amount due, ~~not to exceed twenty thousand~~ 43545
~~dollars,~~ on any hospital that fails to pay assessments or make 43546
intergovernmental transfers by the dates required by rules adopted 43547

under section 5112.03 of the Revised Code. 43548

(C) The director shall waive the penalties provided for in 43549
divisions (A) and (B) of this section for good cause shown by the 43550
hospital. 43551

(D) All penalties imposed under this section shall be 43552
deposited into the ~~general revenue~~ health care administration fund 43553
created by section 5111.94 of the Revised Code. 43554

Sec. 5115.01. (A) ~~There is hereby established~~ The director of 43555
job and family services shall establish the disability financial 43556
assistance program. ~~Except as provided in division (D) of this~~ 43557
~~section, a disability assistance recipient shall receive financial~~ 43558
assistance. ~~Except as provided in section 5115.11 of the Revised~~ 43559
~~Code, a disability assistance recipient also shall receive~~ 43560
~~disability assistance medical assistance.~~ 43561

~~Except as provided by division (B) of this section, a person~~ 43562
~~who meets all of the following requirements is~~ (B) Subject to all 43563
other eligibility requirements established by this chapter and the 43564
rules adopted under it for the disability financial assistance 43565
program, a person may be eligible for disability financial 43566
assistance only if one of the following applies: 43567

(1) The person is ~~ineligible to participate in the Ohio works~~ 43568
~~first program established under Chapter 5107. of the Revised Code~~ 43569
~~and to receive supplemental security income provided pursuant to~~ 43570
~~Title XVI of the Social Security Act, 86 Stat. 1475 (1972), 42~~ 43571
~~U.S.C.A. 1383, as amended;~~ 43572

~~(2) The person is at least one of the following:~~ 43573

~~(a) Under age eighteen;~~ 43574

~~(b) Age sixty or older;~~ 43575

~~(c) Pregnant;~~ 43576

~~(d) Unable unable to do any substantial or gainful activity 43577
by reason of a medically determinable physical or mental 43578
impairment that can be expected to result in death or has lasted 43579
or can be expected to last for not less than nine months; 43580~~

~~(e) A resident of a residential treatment center certified as 43581
an alcohol or drug addiction program by the department of alcohol 43582
and drug addiction services under section 3793.06 of the Revised 43583
Code. 43584~~

~~(f) Medication dependent as determined by a physician, as 43585
defined in section 4730.01 of the Revised Code, who has certified 43586
to the county department of job and family services that the 43587
person is receiving ongoing treatment for a chronic medical 43588
condition requiring continuous prescription medication for an 43589
indefinite, long term period of time and for whom the loss of the 43590
medication would result in a significant risk of medical emergency 43591
and loss of employability lasting at least nine months. 43592~~

~~(3) The (2) On the day before the effective date of this 43593
amendment, the person meets the eligibility requirements 43594
established in rules adopted under section 5115.05 of the Revised 43595
Code was sixty years of age or older and one of the following is 43596
the case: 43597~~

~~(a) The person was receiving or was scheduled to begin 43598
receiving financial assistance under this chapter on the basis of 43599
being sixty years of age or older; 43600~~

~~(b) An eligibility determination was pending regarding the 43601
person's application to receive financial assistance under this 43602
chapter on the basis of being sixty years of age or older and, on 43603
or after the effective date of this amendment, the person receives 43604
a determination of eligibility based on that application. 43605~~

~~(B)(1) A person is ineligible for disability assistance if 43606
the person is ineligible to participate in the Ohio works first 43607~~

~~program because of any of the following:~~ 43608

~~(a) Section 5101.83, 5107.14, or 5107.16 of the Revised Code;~~ 43609

~~(b) The time limit established by section 5107.18 of the Revised Code;~~ 43610
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~~(c) Failure to comply with an application or verification procedure;~~ 43612
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~~(d) The fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996.~~ 43614
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~~(2) A person under age eighteen is ineligible for disability assistance pursuant to division (B)(1)(a) of this section only if the person caused the assistance group to be ineligible to participate in the Ohio works first program or resides with a person age eighteen or older who was a member of the same ineligible assistance group. A person age eighteen or older is ineligible for disability assistance pursuant to division (B)(1)(a) of this section regardless of whether the person caused the assistance group to be ineligible to participate in the Ohio works first program.~~ 43616
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~~(C) The county department of job and family services that serves the county in which a person receiving disability assistance pursuant to division (A)(2)(c) of this section participates in an alcohol or drug addiction program shall designate a representative payee for purposes of receiving and distributing financial assistance provided under the disability assistance program to the person.~~ 43626
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~~(D) A person eligible for disability assistance pursuant to division (A)(2)(f) of this section shall not receive financial assistance.~~ 43633
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~~(E) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code defining~~ 43636
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~~terms and establishing standards for determining whether a person 43638
meets a condition of disability assistance eligibility pursuant to 43639
this section. 43640~~

Sec. ~~5115.04~~ 5115.02. (A) An individual is not eligible for 43641
disability financial assistance under this chapter if ~~either~~ any 43642
of the following apply: 43643

~~(A)(1) The individual is eligible to participate in the Ohio 43644
works first program established under Chapter 5107. of the Revised 43645
Code; eligible to receive supplemental security income provided 43646
pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 43647
(1972), 42 U.S.C. 1383, as amended; or eligible to participate in 43648
or receive assistance through another state or federal program 43649
that provides financial assistance similar to disability financial 43650
assistance, as determined by the director of job and family 43651
services; 43652~~

(2) The individual is ineligible to participate in the Ohio 43653
works first program because of any of the following: 43654

(a) The time limit established by section 5107.18 of the 43655
Revised Code; 43656

(b) Failure to comply with an application or verification 43657
procedure; 43658

(c) The fraud control provisions of section 5101.83 of the 43659
Revised Code or the fraud control program established pursuant to 43660
45 C.F.R. 235.112, as in effect July 1, 1996; 43661

(d) The self-sufficiency contract provisions of sections 43662
5107.14 and 5107.16 of the Revised Code; 43663

(e) The minor parent provisions of section 5107.24 of the 43664
Revised Code; 43665

(f) The provisions of section 5107.26 of the Revised Code 43666
regarding termination of employment without just cause. 43667

(5) The individual, or any of the other individuals included in determining the individual's eligibility, is involved in a strike, as defined in section 5107.10 of the Revised Code; 43668
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(6) For the purpose of avoiding consideration of property in determinations of the individual's eligibility for disability financial assistance or a greater amount of assistance, the individual has transferred property during the two years preceding application for or most recent redetermination of eligibility for disability assistance; 43671
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(7) The individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the armed forces, or by court order; 43677
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(8) The individual reside in a county home, city infirmary, jail, or public institution; 43681
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(9) The individual is a fugitive felon as defined in section 5101.26 of the Revised Code; 43683
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~~(B)~~(10) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law. 43685
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(B)(1) As used in division (B)(2) of this section, "assistance group" has the same meaning as in section 5107.02 of the Revised Code. 43688
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(2) Ineligibility under division (A)(2)(c) or (d) of this section applies as follows: 43691
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(a) In the case of an individual who is under eighteen years of age, the individual is ineligible only if the individual caused the assistance group to be ineligible to participate in the Ohio works first program or resides with an individual eighteen years of age or older who was a member of the same ineligible assistance 43693
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group. 43698

(b) In the case of an individual who is eighteen years of age or older, the individual is ineligible regardless of whether the individual caused the assistance group to be ineligible to participate in the Ohio works first program. 43699
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Sec. 5115.03. (A) The director of job and family services shall do both of the following: 43703
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~~(A) Adopt~~ adopt rules in accordance with section 111.15 of the Revised Code governing the administration of disability assistance, including the administration of financial assistance and disability assistance medical assistance program. The rules shall be binding on county departments of job and family services. 43705
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~~(B) Make investigations to determine whether disability assistance is being administered in compliance with the Revised Code and rules adopted by the director.~~ may establish or specify any or all of the following: 43710
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(1) Maximum payment amounts under the disability financial assistance program, based on state appropriations for the program; 43714
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(2) Limits on the length of time an individual may receive disability financial assistance; 43716
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(3) Limits on the total number of individuals in the state who may receive disability financial assistance; 43718
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(4) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements for disability financial assistance; 43720
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(5) Procedures for disregarding amounts of earned and unearned income for the purpose of determining eligibility for disability financial assistance and the amount of assistance to be provided; 43723
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(6) Procedures for including the income and resources, or a certain amount of the income and resources, of a member of an individual's family when determining eligibility for disability financial assistance and the amount of assistance to be provided. 43727
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(B) In establishing or specifying eligibility requirements for disability financial assistance, the director shall exclude the value of any tuition payment contract entered into under section 3334.09 of the Revised Code or any scholarship awarded under section 3334.18 of the Revised Code and the amount of payments made by the Ohio tuition trust authority under section 3334.09 of the Revised Code pursuant to the contract or scholarship. The director shall not require any individual to terminate a tuition payment contract entered into under Chapter 3334. of the Revised Code as a condition of eligibility for disability financial assistance. The director shall consider as income any refund paid under section 3334.10 of the Revised Code. 43731
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(C) Notwithstanding section 3109.01 of the Revised Code, when a disability financial assistance applicant or recipient who is at least eighteen but under twenty-two years of age resides with the applicant's or recipient's parents, the income of the parents shall be taken into account in determining the applicant's or recipient's financial eligibility. In the rules adopted under this section, the director shall specify procedures for determining the amount of income to be attributed to applicants and recipients in this age category. 43743
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(D) For purposes of limiting the cost of the disability financial assistance program, the director may do either or both of the following: 43752
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(1) Adopt rules in accordance with section 111.15 of the Revised Code that revise the program's eligibility requirements, the maximum payment amounts, or any other requirement or standard 43755
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established or specified in the rules adopted by the director; 43758
(2) Suspend acceptance of applications for disability 43759
financial assistance. While a suspension is in effect, no person 43760
shall receive a determination or redetermination of eligibility 43761
for disability financial assistance unless the person was 43762
receiving the assistance during the month immediately preceding 43763
the suspension's effective date or the person submitted an 43764
application prior to the suspension's effective date and receives 43765
a determination of eligibility based on that application. The 43766
director may adopt rules in accordance with section 111.15 of the 43767
Revised Code establishing requirements and specifying procedures 43768
applicable to the suspension of acceptance of new applications. 43769

Sec. 5115.02 5115.04. (A) The department of job and family 43770
services shall supervise and administer the disability financial 43771
assistance program, except that the department may require county 43772
departments of job and family services to perform any 43773
administrative function specified in rules adopted by the director 43774
of job and family services, ~~including making determinations of~~ 43775
~~financial eligibility and initial determinations of whether an~~ 43776
~~applicant meets a condition of eligibility under division~~ 43777
~~(A)(2)(d) of section 5115.01 of the Revised Code, distributing~~ 43778
~~financial assistance payments, reimbursing providers of medical~~ 43779
~~services for services provided to disability assistance~~ 43780
~~recipients, and any other function specified in the rules. The~~ 43781
~~department may also require county departments to make a final~~ 43782
~~determination of whether an applicant meets a condition for~~ 43783
~~eligibility under division (A)(2)(a), (b), (c), (e), or (f) of~~ 43784
~~section 5115.01 of the Revised Code. The department shall make the~~ 43785
~~final determination of whether an applicant meets a condition of~~ 43786
~~eligibility under division (A)(2)(d) of section 5115.01 of the~~ 43787
~~Revised Code.~~ 43788

(B) If the department requires county departments to perform administrative functions under this section, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions to be performed by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director.

(C) If disability financial assistance payments ~~or medical services reimbursements~~ are made by the county department of job and family services, the department shall advance sufficient funds to provide the county treasurer with the amount estimated for the payments ~~or reimbursements~~. Financial assistance payments shall be distributed in accordance with sections 117.45, 319.16, and 329.03 of the Revised Code.

Sec. 5115.05. (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code establishing application and verification procedures, reapplication procedures, and ~~income, resource, citizenship, age, residence, living arrangement, assistance group composition, and other eligibility requirements~~ the director considers necessary in the administration of the application process for disability financial assistance. The rules may ~~provide for disregarding amounts of earned and unearned income for the purpose of determining whether an assistance group is eligible for assistance and the amount of assistance provided under this chapter. The rules also may provide that the income and resources, or a certain amount of the income and resources, of a member of an assistance group's family group will be included in determining whether the assistance group is eligible for aid and the amount of aid~~

~~provided under this chapter.~~ 43820

~~If financial assistance under this chapter is to be paid by 43821
the auditor of state through the medium of direct deposit, the 43822
application shall be accompanied by information the auditor needs 43823
to make direct deposits. 43824~~

~~The department of job and family services may require 43825
recipients of disability financial assistance to participate in a 43826
reapplication process two months after initial approval for 43827
assistance has been determined and at such other times as 43828
specified in the department requires rules. 43829~~

~~If a recipient of disability assistance, or the spouse of or 43830
member of the assistance group of a recipient, becomes possessed 43831
of resources or income in excess of the amount allowed under rules 43832
adopted under this section, or if other changes occur that affect 43833
the person's eligibility or need for assistance, the recipient 43834
shall notify the department or county department of job and family 43835
services within the time limits specified in the rules. Failure of 43836
a recipient to report possession of excess resources or income or 43837
a change affecting eligibility or need within those time limits 43838
shall be considered prima facie evidence of intent to defraud 43839
under section 5115.15 of the Revised Code. 43840~~

~~Each applicant for or recipient of disability assistance 43841
shall make reasonable efforts to secure support from persons 43842
responsible for the applicant's or recipient's support, and from 43843
other sources, as a means of preventing or reducing the provision 43844
of disability assistance at public expense. The department or 43845
county department may provide assistance to the applicant or 43846
recipient in securing other forms of financial or medical 43847
assistance. 43848~~

~~Notwithstanding section 3109.01 of the Revised Code, when a disability assistance applicant or recipient who is at least eighteen but under twenty two years of age resides with the applicant's or recipient's parents, the income of the parents shall be taken into account in determining the applicant's or recipient's financial eligibility. The director shall adopt rules for determining the amount of income to be attributed to the assistance group of applicants in this age category.~~

(B) Any person who applies for disability financial assistance ~~under this section~~ shall receive a voter registration application under section 3503.10 of the Revised Code.

~~Sec. 5115.07~~ 5115.06. ~~Financial assistance~~ Assistance under the disability financial assistance program may be given by warrant, direct deposit, or, if provided by the director of job and family services pursuant to section 5101.33 of the Revised Code, by electronic benefit transfer. It shall be inalienable whether by way of assignment, charge, or otherwise, and is exempt from attachment, garnishment, or other like process. ~~Any~~

Any direct deposit shall be made to a financial institution and account designated by the recipient. ~~The~~ If disability financial assistance is to be paid by the auditor of state through direct deposit, the application for assistance shall be accompanied by information the auditor needs to make direct deposits.

The director of job and family services may adopt rules for designation of financial institutions and accounts. ~~No~~

No financial institution shall impose any charge for direct deposit of disability ~~assistance~~ financial assistance payments that it does not charge all customers for similar services.

~~The department of job and family services shall establish~~

~~financial assistance payment amounts based on state 43879
appropriations. 43880~~

~~Disability assistance may be given to persons living in their 43881
own homes or other suitable quarters, but shall not be given to 43882
persons who reside in a county home, city infirmary, jail, or 43883
public institution. Disability assistance shall not be given to an 43884
unemancipated child unless the child lives with the child's 43885
parents, guardians, or other persons standing in place of parents. 43886
For the purpose of this section, a child is emancipated if the 43887
child is married, serving in the armed forces, or has been 43888
emancipated by court order. 43889~~

~~No person shall be eligible for disability assistance if, for 43890
the purpose of avoiding consideration of property in 43891
determinations of the person's eligibility for disability 43892
assistance or a greater amount of assistance, the person has 43893
transferred property during the two years preceding application 43894
for or most recent redetermination of eligibility for disability 43895
assistance. 43896~~

Sec. ~~5115.13~~ 5115.07. The acceptance of ~~disability~~ financial 43897
assistance under ~~this chapter~~ the disability financial assistance 43898
program constitutes an assignment to the department of job and 43899
family services of any rights an individual receiving ~~disability~~ 43900
the assistance has to financial support from any other person, 43901
~~excluding medical support assigned pursuant to section 5101.59 of~~ 43902
~~the Revised Code.~~ The rights to support assigned to the department 43903
pursuant to this section constitute an obligation of the person 43904
responsible for providing the support to the state for the amount 43905
of disability financial assistance payments to the recipient or 43906
recipients whose needs are included in determining the amount of 43907
~~disability~~ assistance received. Support payments assigned to the 43908
state pursuant to this section shall be collected by the county 43909

department of job and family services and reimbursements for 43910
disability financial assistance payments shall be credited to the 43911
state treasury. 43912

Sec. 5115.10. (A) The director of job and family services 43913
shall establish a disability assistance medical assistance program 43914
shall consist of a system of managed primary care. Until July 1, 43915
1992, the program shall also include limited hospital services, 43916
except that if prior to that date hospitals are required by 43917
section 5112.17 of the Revised Code to provide medical services 43918
without charge to persons specified in that section, the program 43919
shall cease to include hospital services at the time the 43920
requirement of section 5112.17 of the Revised Code takes effect. 43921

~~The department of job and family services may require 43922
disability assistance medical assistance recipients to enroll in 43923
health insuring corporations or other managed care programs, or 43924
may limit the number or type of health care providers from which a 43925
recipient may receive services. 43926~~

~~The director of job and family services shall adopt rules 43927
governing the disability assistance medical assistance program 43928
established under this division. The rules shall specify all of 43929
the following: 43930~~

~~(1) Services that will be provided under the system of 43931
managed primary care; 43932~~

~~(2) Hospital services that will be provided during the period 43933
that hospital services are provided under the program; 43934~~

~~(3) The maximum authorized amount, scope, duration, or limit 43935
of payment for services. 43936~~

~~(B) The director of job and family services shall designate 43937
medical services providers for the disability assistance medical 43938
assistance program. The first such designation shall be made not 43939~~

~~later than September 30, 1991. Services under the program shall be provided only by providers designated by the director. The director may require that, as a condition of being designated a disability assistance medical assistance provider, a provider enter into a provider agreement with the state department.~~

~~(C) As long as the disability assistance medical assistance program continues to include hospital services, the department or a county director of job and family services may, pursuant to rules adopted under this section, approve an application for disability assistance medical assistance for emergency inpatient hospital services when care has been given to a person who had not completed a sworn application for disability assistance at the time the care was rendered, if all of the following apply:~~

~~(1) The person files an application for disability assistance within sixty days after being discharged from the hospital or, if the conditions of division (D) of this section are met, while in the hospital;~~

~~(2) The person met all eligibility requirements for disability assistance at the time the care was rendered;~~

~~(3) The care given to the person was a medical service within the scope of disability assistance medical assistance as established under rules adopted by the director of job and family services.~~

~~(D) If a person files an application for disability assistance medical assistance for emergency inpatient hospital services while in the hospital, a face to face interview shall be conducted with the applicant while the applicant is in the hospital to determine whether the applicant is eligible for the assistance. If the hospital agrees to reimburse the county department of job and family services for all actual costs incurred by the department in conducting the interview, the~~

~~interview shall be conducted by an employee of the county 43971
department. If, at the request of the hospital, the county 43972
department designates an employee of the hospital to conduct the 43973
interview, the interview shall be conducted by the hospital 43974
employee. 43975~~

~~(E) The department of job and family services may assume 43976
responsibility for peer review of expenditures for disability 43977
assistance medical assistance (B) Subject to all other eligibility 43978
requirements established by this chapter and the rules adopted 43979
under it for the disability medical assistance program, a person 43980
may be eligible for disability medical assistance only if the 43981
person is medication dependent, as determined by the department of 43982
job and family services. 43983~~

~~(C) The director shall adopt rules under section 111.15 of 43984
the Revised Code for purposes of implementing division (B) of this 43985
section. The rules may specify or establish any or all of the 43986
following: 43987~~

~~(1) Standards for determining whether a person is medication 43988
dependent, including standards under which a person may qualify as 43989
being medication dependent only if it is determined that both of 43990
the following are the case: 43991~~

~~(a) The person is receiving ongoing treatment for a chronic 43992
medical condition that requires continuous prescription medication 43993
for an indefinite, long-term period of time; 43994~~

~~(b) Loss of the medication would result in a significant risk 43995
of medical emergency and loss of employability lasting at least 43996
nine months. 43997~~

~~(2) A requirement that a person's medical condition be 43998
certified by an individual authorized under Chapter 4731. of the 43999
Revised Code to practice medicine and surgery or osteopathic 44000
medicine and surgery; 44001~~

(3) Limitations on the chronic medical conditions and prescription medications that may qualify a person as being medication dependent. 44002
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~~Sec. 5115.11. If a member of an assistance group receiving disability assistance under this chapter~~ An individual who 44005
qualifies for the medical assistance program established under 44006
Chapter 5111. of the Revised Code, ~~the member~~ shall receive 44007
medical assistance through that program rather than through the 44008
disability ~~assistance~~ medical assistance program. 44009
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An individual is ineligible for disability medical assistance if, for the purpose of avoiding consideration of property in determinations of the individual's eligibility for disability medical assistance or a greater amount of assistance, the person has transferred property during the two years preceding application for or most recent redetermination of eligibility for disability medical assistance. 44011
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Sec. 5115.12. (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code governing the disability medical assistance program. The rules may establish or specify any or all of the following: 44018
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(1) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements; 44022
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(2) Health services to be included in the program; 44024

(3) The maximum authorized amount, scope, duration, or limit of payment for services; 44025
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(4) Limits on the length of time an individual may receive disability medical assistance; 44027
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(5) Limits on the total number of individuals in the state who may receive disability medical assistance. 44029
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(B) For purposes of limiting the cost of the disability medical assistance program, the director may do either of the following: 44031
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(1) Adopt rules in accordance with section 111.15 of the Revised Code that revise the program's eligibility requirements; the maximum authorized amount, scope, duration, or limit of payment for services included in the program; or any other requirement or standard established or specified by rules adopted under division (A) of this section or under section 5115.10 of the Revised Code; 44034
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(2) Suspend acceptance of applications for disability medical assistance. While a suspension is in effect, no person shall receive a determination or redetermination of eligibility for disability medical assistance unless the person was receiving the assistance during the month immediately preceding the suspension's effective date or the person submitted an application prior to the suspension's effective date and receives a determination of eligibility based on that application. The director may adopt rules in accordance with section 111.15 of the Revised Code establishing requirements and specifying procedures applicable to the suspension of acceptance of new applications. 44041
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Sec. 5115.13. (A) The department of job and family services shall supervise and administer the disability medical program, except as follows: 44052
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(1) The department may require county departments of job and family services to perform any administrative function specified in rules adopted by the director of job and family services. 44055
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(2) The director may contract with any private or public entity in this state to perform any administrative function or to administer any or all of the program. 44058
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(B) If the department requires county departments to perform administrative functions, the director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions to be performed by county departments. County departments shall perform the functions in accordance with the rules. 44061
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If the director contracts with a private or public entity to perform administrative functions or to administer any or all of the program, the director may either adopt rules in accordance with section 111.15 of the Revised Code or include provisions in the contract governing the performance of the functions by the private or public entity. Entities under contract shall perform the functions in accordance with the requirements established by the director. 44067
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(C) Whenever division (A)(1) or (2) of this section is implemented, the director shall conduct investigations to determine whether disability medical assistance is being administered in compliance with the Revised Code and rules adopted by the director or in accordance with the terms of the contract. 44075
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Sec. 5115.14. (A) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code establishing application and verification procedures, reapplication procedures, and other requirements the director considers necessary in the administration of the application process for disability medical assistance. 44080
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(B) Any person who applies for disability medical assistance shall receive a voter registration application under section 3503.10 of the Revised Code. 44086
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Sec. 5115.20. (A) The department of job and family services shall establish a disability advocacy program and each county 44089
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department of job and family services shall establish a disability 44091
advocacy program unit or join with other county departments of job 44092
and family services to establish a joint county disability 44093
advocacy program unit. Through the program the department and 44094
county departments shall cooperate in efforts to assist applicants 44095
for and recipients of assistance under ~~this chapter~~ the disability 44096
financial assistance program and the disability medical assistance 44097
program, who might be eligible for supplemental security income 44098
benefits under Title XVI of the "Social Security Act," 86 Stat. 44099
1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those 44100
benefits. ~~The~~ 44101

As part of their disability advocacy programs, the state 44102
department and county departments may enter into contracts for the 44103
~~services to applicants for and recipients of assistance under this~~ 44104
~~chapter who might be eligible for supplemental security income~~ 44105
~~benefits with~~ of persons and ~~governmental~~ government entities that 44106
in the judgment of the department or county department have 44107
demonstrated expertise in representing persons seeking 44108
supplemental security income benefits. Each contract shall require 44109
the person or entity with which a department contracts to assess 44110
each person referred to it by the department to determine whether 44111
the person appears to be eligible for supplemental security income 44112
benefits, and, if the person appears to be eligible, assist the 44113
person in applying and represent the person in any proceeding of 44114
the social security administration, including any appeal or 44115
reconsideration of a denial of benefits. The department or county 44116
department shall provide to the person or entity with which it 44117
contracts all records in its possession relevant to the 44118
application for supplemental security income benefits. The 44119
department shall require a county department with relevant records 44120
to submit them to the person or entity. 44121

(B) Each applicant for or recipient of disability financial 44122

~~assistance or disability medical assistance under this chapter~~ 44123
who, in the judgment of the department or a county department 44124
might be eligible for supplemental security benefits, ~~must~~ shall, 44125
as a condition of eligibility for assistance, apply for such 44126
benefits if directed to do so by the department or county 44127
department. 44128

(C) ~~Each~~ With regard to applicants for and recipients of 44129
disability financial assistance or disability medical assistance, 44130
each county department of job and family services shall do all of 44131
the following: 44132

(1) Identify applicants ~~for~~ and recipients ~~of assistance~~ 44133
~~under this chapter~~ who might be eligible for supplemental security 44134
income benefits; 44135

(2) Assist applicants ~~for~~ and recipients ~~of assistance under~~ 44136
~~this chapter~~ in securing documentation of disabling conditions or 44137
refer them for such assistance to a person or government ~~agency~~ 44138
entity with which the department or county department has 44139
contracted under division (A) of this section; 44140

(3) Inform applicants ~~for~~ and recipients ~~of assistance under~~ 44141
~~this chapter~~ of available sources of representation, which may 44142
include a person or government entity with which the department or 44143
county department has contracted under division (A) of this 44144
section, and of their right to represent themselves in 44145
reconsiderations and appeals of social security administration 44146
decisions that deny them supplemental security income benefits. 44147
The county department may require the applicants and recipients, 44148
as a condition of eligibility for assistance, to pursue 44149
reconsiderations and appeals of social security administration 44150
decisions that deny them supplemental security income benefits, 44151
and shall assist applicants and recipients as necessary to obtain 44152
such benefits or refer them to a person or government ~~agency~~ 44153
entity with which the department or county department has 44154

contracted under division (A) of this section. 44155

(4) Require applicants ~~for~~ and recipients of ~~assistance under~~ 44156
~~this chapter~~ who, in the judgment of the county department, are or 44157
may be aged, blind, or disabled, to apply for medical assistance 44158
under Chapter 5111. of the Revised Code, make determinations when 44159
appropriate as to eligibility for medical assistance, and refer 44160
their applications when necessary to the disability determination 44161
unit established in accordance with division (F) of this section 44162
for expedited review; 44163

(5) Require each applicant ~~for~~ and ~~each~~ recipient of 44164
~~assistance under this chapter~~ who in the judgment of the 44165
department or the county department might be eligible for 44166
supplemental security income benefits, as a condition of 44167
eligibility for disability financial assistance or disability 44168
medical assistance ~~under this chapter~~, to execute a written 44169
authorization for the secretary of health and human services to 44170
withhold benefits due that individual and pay to the director of 44171
job and family services or the director's designee an amount 44172
sufficient to reimburse the state and county shares of interim 44173
assistance furnished to the individual. For the purposes of 44174
division (C)(5) of this section, "benefits" and "interim 44175
assistance" have the meanings given in Title XVI of the "Social 44176
Security Act." 44177

(D) The director of job and family services shall adopt rules 44178
in accordance with ~~Chapter 119. section 111.15~~ of the Revised Code 44179
for the effective administration of the disability advocacy 44180
program. The rules shall include all of the following: 44181

(1) Methods to be used in collecting information from and 44182
disseminating it to county departments, including the following: 44183

(a) The number of individuals in the county who are disabled 44184
recipients of disability financial assistance or disability 44185

medical assistance ~~under this chapter in the county;~~ 44186

(b) The final decision made either by the social security 44187
administration or by a court for each application or 44188
reconsideration in which an individual was assisted pursuant to 44189
this section. 44190

(2) The type and process of training to be provided by the 44191
department of job and family services to the employees of the 44192
county department of job and family services who perform duties 44193
under this section; 44194

(3) Requirements for the written authorization required by 44195
division (C)(5) of this section. 44196

(E) The department shall provide basic and continuing 44197
training to employees of the county department of job and family 44198
services who perform duties under this section. Training shall 44199
include but not be limited to all processes necessary to obtain 44200
federal disability benefits, and methods of advocacy. 44201

(F) The department shall establish a disability determination 44202
unit and develop guidelines for expediting reviews of applications 44203
for medical assistance under Chapter 5111. of the Revised Code for 44204
persons who have been referred to the unit under division (C)(4) 44205
of this section. The department shall make determinations of 44206
eligibility for medical assistance for any such person within the 44207
time prescribed by federal regulations. 44208

(G) The department may, under rules the director of job and 44209
family services adopts in accordance with section 111.15 of the 44210
Revised Code, pay a portion of the federal reimbursement described 44211
in division (C)(5) of this section to persons or ~~agencies~~ 44212
government entities that assist or represent assistance recipients 44213
in reconsiderations and appeals of social security administration 44214
decisions denying them supplemental security income benefits. 44215

(H) The director shall conduct investigations to determine 44216

whether disability advocacy programs are being administered in 44217
compliance with the Revised Code and the rules adopted by the 44218
director pursuant to this section. 44219

Sec. 5115.22. (A) If a recipient of disability financial 44220
assistance or disability medical assistance, or an individual 44221
whose income and resources are included in determining the 44222
recipient's eligibility for the assistance, becomes possessed of 44223
resources or income in excess of the amount allowed to retain 44224
eligibility, or if other changes occur that affect the recipient's 44225
eligibility or need for assistance, the recipient shall notify the 44226
state or county department of job and family services within the 44227
time limits specified in rules adopted by the director of job and 44228
family services in accordance with section 111.15 of the Revised 44229
Code. Failure of a recipient to report possession of excess 44230
resources or income or a change affecting eligibility or need 44231
within those time limits shall be considered prima-facie evidence 44232
of intent to defraud under section 5115.23 of the Revised Code. 44233

(B) As a condition of eligibility for disability financial 44234
assistance or disability medical assistance, and as a means of 44235
preventing or reducing the provision of assistance at public 44236
expense, each applicant for or recipient of the assistance shall 44237
make reasonable efforts to secure support from persons responsible 44238
for the applicant's or recipient's support, and from other 44239
sources, including any federal program designed to provide 44240
assistance to individuals with disabilities. The state or county 44241
department of job and family services may provide assistance to 44242
the applicant or recipient in securing other forms of financial 44243
assistance. 44244

Sec. ~~5115.15~~ 5115.23. As used in this section, "erroneous 44245
payments" means disability financial assistance payments, 44246
including or disability assistance medical assistance payments, 44247

made to persons who are not entitled to receive them, including 44248
payments made as a result of misrepresentation or fraud, and 44249
payments made due to an error by the recipient or by the county 44250
department of job and family services that made the payment. 44251

The department of job and family services shall adopt rules 44252
in accordance with section 111.15 of the Revised Code specifying 44253
the circumstances under which action is to be taken under this 44254
section to recover erroneous payments. The department, or a county 44255
department of job and family services at the request of the 44256
department, shall take action to recover erroneous payments in the 44257
circumstances specified in the rules. The department or county 44258
department may institute a civil action to recover erroneous 44259
payments. 44260

Whenever disability financial assistance or disability 44261
medical assistance has been furnished to a recipient for whose 44262
support another person is responsible, the other person shall, in 44263
addition to the liability otherwise imposed, as a consequence of 44264
failure to support the recipient, be liable for all ~~disability~~ 44265
assistance furnished the recipient. The value of the assistance so 44266
furnished may be recovered in a civil action brought by the county 44267
department of job and family services. 44268

Each county department of job and family services shall 44269
retain fifty per cent of the erroneous payments it recovers under 44270
this section. The department of job and family services shall 44271
receive the remaining fifty per cent. 44272

Sec. 5119.61. Any provision in this chapter that refers to a 44273
board of alcohol, drug addiction, and mental health services also 44274
refers to the community mental health board in an alcohol, drug 44275
addiction, and mental health service district that has a community 44276
mental health board. 44277

The director of mental health with respect to all facilities 44278

and programs established and operated under Chapter 340. of the 44279
Revised Code for mentally ill and emotionally disturbed persons, 44280
shall do all of the following: 44281

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 44282
that may be necessary to carry out the purposes of Chapter 340. 44283
and sections 5119.61 to 5119.63 of the Revised Code. 44284

(1) The rules shall include all of the following: 44285

(a) Rules governing a community mental health agency's 44286
services under section 340.091 of the Revised Code to an 44287
individual referred to the agency under division (C)(2) of section 44288
173.35 of the Revised Code; 44289

(b) For the purpose of division (A)(16) of section 340.03 of 44290
the Revised Code, rules governing the duties of mental health 44291
agencies and boards of alcohol, drug addiction, and mental health 44292
services under section 3722.18 of the Revised Code regarding 44293
referrals of individuals with mental illness or severe mental 44294
disability to adult care facilities and effective arrangements for 44295
ongoing mental health services for the individuals. The rules 44296
shall do at least the following: 44297

(i) Provide for agencies and boards to participate fully in 44298
the procedures owners and managers of adult care facilities must 44299
follow under division (A)(2) of section 3722.18 of the Revised 44300
Code; 44301

(ii) Specify the manner in which boards are accountable for 44302
ensuring that ongoing mental health services are effectively 44303
arranged for individuals with mental illness or severe mental 44304
disability who are referred by the board or mental health agency 44305
under contract with the board to an adult care facility. 44306

(c) Rules governing a board of alcohol, drug addiction, and 44307
mental health services when making a report to the director of 44308
health under section 3722.17 of the Revised Code regarding the 44309

quality of care and services provided by an adult care facility to 44310
a person with mental illness or a severe mental disability. 44311

(2) Rules may be adopted to govern the method of paying a 44312
community mental health facility ~~described,~~ as defined in division 44313
~~(B)~~ of section 5111.022 of the Revised Code, for providing 44314
services ~~established by~~ listed in division ~~(A)~~(B) of that section. 44315
Such rules must be consistent with the contract entered into 44316
between the departments of job and family services and mental 44317
health under ~~division (E) of that~~ section 5111.91 of the Revised 44318
Code and include requirements ensuring appropriate service 44319
utilization. 44320

(B) Review and evaluate, and, taking into account the 44321
findings and recommendations of the board of alcohol, drug 44322
addiction, and mental health services of the district served by 44323
the program and the requirements and priorities of the state 44324
mental health plan, including the needs of residents of the 44325
district now residing in state mental institutions, approve and 44326
allocate funds to support community programs, and make 44327
recommendations for needed improvements to boards of alcohol, drug 44328
addiction, and mental health services; 44329

(C) Withhold state and federal funds for any program, in 44330
whole or in part, from a board of alcohol, drug addiction, and 44331
mental health services in the event of failure of that program to 44332
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 44333
or 5119.62 of the Revised Code or rules of the department of 44334
mental health. The director shall identify the areas of 44335
noncompliance and the action necessary to achieve compliance. The 44336
director shall offer technical assistance to the board to achieve 44337
compliance. The director shall give the board a reasonable time 44338
within which to comply or to present its position that it is in 44339
compliance. Before withholding funds, a hearing shall be conducted 44340
to determine if there are continuing violations and that either 44341

assistance is rejected or the board is unable to achieve 44342
compliance. Subsequent to the hearing process, if it is determined 44343
that compliance has not been achieved, the director may allocate 44344
all or part of the withheld funds to a public or private agency to 44345
provide the services not in compliance until the time that there 44346
is compliance. The director shall establish rules pursuant to 44347
Chapter 119. of the Revised Code to implement this division. 44348

(D) Withhold state or federal funds from a board of alcohol, 44349
drug addiction, and mental health services that denies available 44350
service on the basis of religion, race, color, creed, sex, 44351
national origin, age, disability as defined in section 4112.01 of 44352
the Revised Code, developmental disability, or the inability to 44353
pay; 44354

(E) Provide consultative services to community mental health 44355
agencies with the knowledge and cooperation of the board of 44356
alcohol, drug addiction, and mental health services; 44357

(F) Provide to boards of alcohol, drug addiction, and mental 44358
health services state or federal funds, in addition to those 44359
allocated under section 5119.62 of the Revised Code, for special 44360
programs or projects the director considers necessary but for 44361
which local funds are not available; 44362

(G) Establish criteria by which a board of alcohol, drug 44363
addiction, and mental health services reviews and evaluates the 44364
quality, effectiveness, and efficiency of services provided 44365
through its community mental health plan. The criteria shall 44366
include requirements ensuring appropriate service utilization. The 44367
department shall assess a board's evaluation of services and the 44368
compliance of each board with this section, Chapter 340. or 44369
section 5119.62 of the Revised Code, and other state or federal 44370
law and regulations. The department, in cooperation with the 44371
board, periodically shall review and evaluate the quality, 44372
effectiveness, and efficiency of services provided through each 44373

board. The department shall collect information that is necessary 44374
to perform these functions. 44375

(H) Develop and operate a community mental health information 44376
system. 44377

Boards of alcohol, drug abuse, and mental health services 44378
shall submit information requested by the department in the form 44379
and manner prescribed by the department. Information collected by 44380
the department shall include, but not be limited to, all of the 44381
following: 44382

(1) Information regarding units of services provided in whole 44383
or in part under contract with a board, including diagnosis and 44384
special needs, demographic information, the number of units of 44385
service provided, past treatment, financial status, and service 44386
dates in accordance with rules adopted by the department in 44387
accordance with Chapter 119. of the Revised Code; 44388

(2) Financial information other than price or price-related 44389
data regarding expenditures of boards and community mental health 44390
agencies, including units of service provided, budgeted and actual 44391
expenses by type, and sources of funds. 44392

Boards shall submit the information specified in division 44393
(H)(1) of this section no less frequently than annually for each 44394
client, and each time the client's case is opened or closed. The 44395
department shall not collect any information for the purpose of 44396
identifying by name any person who receives a service through a 44397
board of alcohol, drug addiction, and mental health services, 44398
except as required by state or federal law to validate appropriate 44399
reimbursement. For the purposes of division (H)(1) of this 44400
section, the department shall use an identification system that is 44401
consistent with applicable nationally recognized standards. 44402

(I) Review each board's community mental health plan 44403
submitted pursuant to section 340.03 of the Revised Code and 44404

approve or disapprove it in whole or in part. Periodically, in 44405
consultation with representatives of boards and after considering 44406
the recommendations of the medical director, the director shall 44407
issue criteria for determining when a plan is complete, criteria 44408
for plan approval or disapproval, and provisions for conditional 44409
approval. The factors that the director considers may include, but 44410
are not limited to, the following: 44411

(1) The mental health needs of all persons residing within 44412
the board's service district, especially severely mentally 44413
disabled children, adolescents, and adults; 44414

(2) The demonstrated quality, effectiveness, efficiency, and 44415
cultural relevance of the services provided in each service 44416
district, the extent to which any services are duplicative of 44417
other available services, and whether the services meet the needs 44418
identified above; 44419

(3) The adequacy of the board's accounting for the 44420
expenditure of funds. 44421

If the director disapproves all or part of any plan, the 44422
director shall provide the board an opportunity to present its 44423
position. The director shall inform the board of the reasons for 44424
the disapproval and of the criteria that must be met before the 44425
plan may be approved. The director shall give the board a 44426
reasonable time within which to meet the criteria, and shall offer 44427
technical assistance to the board to help it meet the criteria. 44428

If the approval of a plan remains in dispute thirty days 44429
prior to the conclusion of the fiscal year in which the board's 44430
current plan is scheduled to expire, the board or the director may 44431
request that the dispute be submitted to a mutually agreed upon 44432
third-party mediator with the cost to be shared by the board and 44433
the department. The mediator shall issue to the board and the 44434
department recommendations for resolution of the dispute. Prior to 44435

the conclusion of the fiscal year in which the current plan is 44436
scheduled to expire, the director, taking into consideration the 44437
recommendations of the mediator, shall make a final determination 44438
and approve or disapprove the plan, in whole or in part. 44439

Sec. 5119.611. (A) A board of alcohol, drug addiction, and 44440
mental health services may not contract with a community mental 44441
health agency under division (A)(8)(a) of section 340.03 of the 44442
Revised Code to provide community mental health services included 44443
in the board's community mental health plan unless the services 44444
are certified by the director of mental health under this section. 44445

A community mental health agency that seeks the director's 44446
certification of its community mental health services shall submit 44447
an application to the director. On receipt of the application, the 44448
director may visit and shall evaluate the agency to determine 44449
whether its services satisfy the standards established by rules 44450
adopted under division (C) of this section. The director shall 44451
make the evaluation, and, if the director visits the agency, shall 44452
make the visit, in cooperation with the board of alcohol, drug 44453
addiction, and mental health services with which the agency seeks 44454
to contract. 44455

If the director determines that a community mental health 44456
agency's services satisfy the standards, the director shall 44457
certify the services. 44458

If the director determines that a community mental health 44459
agency's services do not satisfy the standards, the director shall 44460
identify the areas of noncompliance, specify what action is 44461
necessary to satisfy the standards, and offer technical assistance 44462
to the board of alcohol, drug addiction, and mental health 44463
services so that the board may assist the agency in satisfying the 44464
standards. The director shall give the agency a reasonable time 44465
within which to demonstrate that its services satisfy the 44466

standards or to bring the services into compliance with the 44467
standards. If the director concludes that the services continue to 44468
fail to satisfy the standards, the director may request that the 44469
board reallocate the funds for the community mental health 44470
services the agency was to provide to another community mental 44471
health agency whose community mental health services satisfy the 44472
standards. If the board does not reallocate those funds in a 44473
reasonable period of time, the director may withhold state and 44474
federal funds for the community mental health services and 44475
allocate those funds directly to a community mental health agency 44476
whose community mental health services satisfy the standards. 44477

(B) Each community mental health agency seeking certification 44478
of its community mental health services under this section shall 44479
pay a fee for the certification review required by this section. 44480
Fees shall be paid into the sale of goods and services fund 44481
created pursuant to section 5119.161 of the Revised Code. 44482

(C) The director shall adopt rules in accordance with Chapter 44483
119. of the Revised Code to implement this section. The rules 44484
shall do all of the following: 44485

(1) Establish certification standards for community mental 44486
health services, including assertive community treatment and 44487
intensive home-based mental health services, that are consistent 44488
with nationally recognized applicable standards and facilitate 44489
participation in federal assistance programs. The rules shall 44490
include as certification standards only requirements that improve 44491
the quality of services or the health and safety of clients of 44492
community mental health services. The standards shall address at a 44493
minimum all of the following: 44494

(a) Reporting major unusual incidents to the director; 44495

(b) Procedures for applicants for and clients of community 44496
mental health services to file grievances and complaints; 44497

(c) Seclusion;	44498
(d) Restraint;	44499
(e) Development of written policies addressing the rights of clients, including all of the following:	44500
(i) The right to a copy of the written policies addressing client rights;	44501
(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;	44502
(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;	44503
(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.	44504
(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;	44505
(3) Establish the process for certification of community mental health services;	44506
(4) Set the amount of certification review fees based on a portion of the cost of performing the review;	44507
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	44508
<u>(D) The rules adopted under division (C)(1) of this section to establish certification standards for assertive community treatment and intensive home-based mental health services shall be</u>	44509
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adopted not later than July 1, 2004. 44527

Sec. 5120.09. Under the supervision and control of the 44528
director of rehabilitation and correction, the division of 44529
business administration shall do all of the following: 44530

(A) Submit the budgets for the several divisions of the 44531
department of rehabilitation and correction, as prepared by the 44532
respective chiefs of those divisions, to the director. The 44533
director, with the assistance of the chief of the division of 44534
business administration, shall compile a departmental budget that 44535
contains all proposals submitted by the chiefs of the divisions 44536
and shall forward the departmental budget to the governor with 44537
comments and recommendations that the director considers 44538
necessary. 44539

(B) Maintain accounts and records and compile statistics that 44540
the director prescribes; 44541

(C) Under the control of the director, coordinate and make 44542
the necessary purchases and requisitions for the department and 44543
its divisions, except as provided under section 5119.16 of the 44544
Revised Code; 44545

(D) Administer within this state federal criminal justice 44546
acts that the governor requires the department to administer. In 44547
order to improve the criminal justice system of this state, the 44548
division of business administration shall apply for, allocate, 44549
disburse, and account for grants that are made available pursuant 44550
to those federal criminal justice acts and grants that are made 44551
available from other federal government sources, state government 44552
sources, or private sources. As used in this division, "criminal 44553
justice system" and "federal criminal justice acts" have the same 44554
meanings as in section ~~101.51~~ 109.98 of the Revised Code. 44555

(E) Audit the activities of governmental entities, persons as 44556

defined in section 1.59 of the Revised Code, and other types of 44557
nongovernmental entities that are financed in whole or in part by 44558
funds that the department allocates or disburses and that are 44559
derived from grants described in division (D) of this section; 44560

(F) Enter into contracts, including contracts with federal, 44561
state, or local governmental entities, persons as defined in 44562
section 1.59 of the Revised Code, foundations, and other types of 44563
nongovernmental entities, that are necessary for the department to 44564
carry out its duties and that neither the director nor another 44565
section of the Revised Code authorizes another division of the 44566
department to enter; 44567

(G) Exercise other powers and perform other duties that the 44568
director may assign to the division of business administration. 44569

Sec. 5120.51. (A)(1) If the director of rehabilitation and 44570
correction determines that a bill introduced in the general 44571
assembly is likely to have a significant impact on the population 44572
of, or the cost of operating, any or all state correctional 44573
institutions under the administration of the department of 44574
rehabilitation and correction, the department shall prepare a 44575
population and cost impact statement for the bill, in accordance 44576
with division (A)(2) of this section. 44577

(2) A population and cost impact statement required for a 44578
bill ~~shall~~ shall estimate the increase or decrease in the 44579
correctional institution population that likely would result if 44580
the bill were enacted, shall estimate, in dollars, the amount by 44581
which revenues or expenditures likely would increase or decrease 44582
if the bill were enacted, and briefly shall explain each of the 44583
estimates. 44584

A population and cost impact statement required for a bill 44585
initially shall be prepared after the bill is referred to a 44586
committee of the general assembly in the house of origination but 44587

before the meeting of the committee at which the committee is 44588
scheduled to vote on whether to recommend the bill for passage. A 44589
copy of the statement shall be distributed to each member of the 44590
committee that is considering the bill and to the member of the 44591
general assembly who introduced it. If the bill is recommended for 44592
passage by the committee, the department shall update the 44593
statement before the bill is taken up for final consideration by 44594
the house of origination. A copy of the updated statement shall be 44595
distributed to each member of that house and to the member of the 44596
general assembly who introduced the bill. If the bill is passed by 44597
the house of origination and is introduced in the second house, 44598
the provisions of this division concerning the preparation, 44599
updating, and distribution of the statement in the house of 44600
origination also apply in the second house. 44601

(B) The governor or any member of the general assembly, at 44602
any time, may request the department to prepare a population and 44603
cost impact statement for any bill introduced in the general 44604
assembly. Upon receipt of a request, the department promptly shall 44605
prepare a statement that includes the estimates and explanations 44606
described in division (A)(2) of this section and present a copy of 44607
it to the governor or member who made the request. 44608

(C) In the preparation of a population and cost impact 44609
statement required by division (A) or (B) of this section, the 44610
department shall use a technologically sophisticated system 44611
capable of estimating future state correctional institution 44612
populations. The system shall have the capability to adjust its 44613
estimates based on actual and proposed changes in sentencing laws 44614
and trends, sentence durations, parole rates, crime rates, and any 44615
other data that affect state correctional institution populations. 44616
The department, in conjunction with the advisory committee 44617
appointed under division (E) of this section, shall review and 44618
update the data used in the system, not less than once every six 44619

months, to improve the accuracy of the system. 44620

(D) At least once every six months, the department shall 44621
provide to the correctional institution inspection committee a 44622
copy of the estimates of state correctional institution 44623
populations obtained through use of the system described in 44624
division (C) of this section and a description of the assumptions 44625
regarding sentencing laws and trends, sentence durations, parole 44626
rates, crime rates, and other relevant data that were made by the 44627
department to obtain the estimates. Additionally, a copy of the 44628
estimates and a description of the assumptions made to obtain them 44629
shall be provided, upon reasonable request, to other legislative 44630
staff, including the staff of the legislative service commission 44631
~~and the legislative budget office of the legislative service~~ 44632
~~commission~~, to the office of budget and management, and to the 44633
~~office~~ bureau of criminal justice services. 44634

(E) The correctional institution inspection committee shall 44635
appoint an advisory committee to review the operation of the 44636
system for estimating future state correctional institution 44637
populations that is used by the department in the preparation of 44638
population cost impact statements pursuant to this section and to 44639
join with the department in its reviews and updating of the data 44640
used in the system under division (C) of this section. The 44641
advisory committee shall be comprised of at least one prosecuting 44642
attorney, at least one common pleas court judge, at least one 44643
public defender, at least one person who is a member or staff 44644
employee of the committee, and at least one representative of the 44645
~~office~~ bureau of criminal justice services. 44646

Sec. 5123.01. As used in this chapter: 44647

(A) "Chief medical officer" means the licensed physician 44648
appointed by the managing officer of an institution for the 44649
mentally retarded with the approval of the director of mental 44650

retardation and developmental disabilities to provide medical 44651
treatment for residents of the institution. 44652

(B) "Chief program director" means a person with special 44653
training and experience in the diagnosis and management of the 44654
mentally retarded, certified according to division (C) of this 44655
section in at least one of the designated fields, and appointed by 44656
the managing officer of an institution for the mentally retarded 44657
with the approval of the director to provide habilitation and care 44658
for residents of the institution. 44659

(C) "Comprehensive evaluation" means a study, including a 44660
sequence of observations and examinations, of a person leading to 44661
conclusions and recommendations formulated jointly, with 44662
dissenting opinions if any, by a group of persons with special 44663
training and experience in the diagnosis and management of persons 44664
with mental retardation or a developmental disability, which group 44665
shall include individuals who are professionally qualified in the 44666
fields of medicine, psychology, and social work, together with 44667
such other specialists as the individual case may require. 44668

(D) "Education" means the process of formal training and 44669
instruction to facilitate the intellectual and emotional 44670
development of residents. 44671

(E) "Habilitation" means the process by which the staff of 44672
the institution assists the resident in acquiring and maintaining 44673
those life skills that enable the resident to cope more 44674
effectively with the demands of the resident's own person and of 44675
the resident's environment and in raising the level of the 44676
resident's physical, mental, social, and vocational efficiency. 44677
Habilitation includes but is not limited to programs of formal, 44678
structured education and training. 44679

(F) "Habilitation center services" means services provided by 44680
a habilitation center certified by the department of mental 44681

retardation and developmental disabilities under section 5123.041 44682
of the Revised Code and covered by the medicaid program pursuant 44683
to rules adopted under section 5111.041 of the Revised Code. 44684

(G) "Health officer" means any public health physician, 44685
public health nurse, or other person authorized or designated by a 44686
city or general health district. 44687

(H) "Home and community-based services" means medicaid-funded 44688
home and community-based services provided under a the medicaid 44689
~~component~~ components the department of mental retardation and 44690
developmental disabilities administers pursuant to section 44691
5111.871 of the Revised Code. 44692

(I) "Indigent person" means a person who is unable, without 44693
substantial financial hardship, to provide for the payment of an 44694
attorney and for other necessary expenses of legal representation, 44695
including expert testimony. 44696

(J) "Institution" means a public or private facility, or a 44697
part of a public or private facility, that is licensed by the 44698
appropriate state department and is equipped to provide 44699
residential habilitation, care, and treatment for the mentally 44700
retarded. 44701

(K) "Licensed physician" means a person who holds a valid 44702
certificate issued under Chapter 4731. of the Revised Code 44703
authorizing the person to practice medicine and surgery or 44704
osteopathic medicine and surgery, or a medical officer of the 44705
government of the United States while in the performance of the 44706
officer's official duties. 44707

(L) "Managing officer" means a person who is appointed by the 44708
director of mental retardation and developmental disabilities to 44709
be in executive control of an institution for the mentally 44710
retarded under the jurisdiction of the department. 44711

(M) "Medicaid" has the same meaning as in section 5111.01 of 44712

the Revised Code. 44713

(N) "Medicaid case management services" means case management 44714
services provided to an individual with mental retardation or 44715
other developmental disability that the state medicaid plan 44716
requires. 44717

(O) "Mentally retarded person" means a person having 44718
significantly subaverage general intellectual functioning existing 44719
concurrently with deficiencies in adaptive behavior, manifested 44720
during the developmental period. 44721

(P) "Mentally retarded person subject to institutionalization 44722
by court order" means a person eighteen years of age or older who 44723
is at least moderately mentally retarded and in relation to whom, 44724
because of the person's retardation, either of the following 44725
conditions exist: 44726

(1) The person represents a very substantial risk of physical 44727
impairment or injury to self as manifested by evidence that the 44728
person is unable to provide for and is not providing for the 44729
person's most basic physical needs and that provision for those 44730
needs is not available in the community; 44731

(2) The person needs and is susceptible to significant 44732
habilitation in an institution. 44733

(Q) "A person who is at least moderately mentally retarded" 44734
means a person who is found, following a comprehensive evaluation, 44735
to be impaired in adaptive behavior to a moderate degree and to be 44736
functioning at the moderate level of intellectual functioning in 44737
accordance with standard measurements as recorded in the most 44738
current revision of the manual of terminology and classification 44739
in mental retardation published by the American association on 44740
mental retardation. 44741

(R) As used in this division, "substantial functional 44742
limitation," "developmental delay," and "established risk" have 44743

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. 44774

(U) "Residence" and "legal residence" have the same meaning 44775
as "legal settlement," which is acquired by residing in Ohio for a 44776
period of one year without receiving general assistance prior to 44777
July 17, 1995, under former Chapter 5113. of the Revised Code, 44778
~~disability~~ financial assistance under Chapter 5115. of the Revised 44779
Code, or assistance from a private agency that maintains records 44780
of assistance given. A person having a legal settlement in the 44781
state shall be considered as having legal settlement in the 44782
assistance area in which the person resides. No adult person 44783
coming into this state and having a spouse or minor children 44784
residing in another state shall obtain a legal settlement in this 44785
state as long as the spouse or minor children are receiving public 44786
assistance, care, or support at the expense of the other state or 44787
its subdivisions. For the purpose of determining the legal 44788
settlement of a person who is living in a public or private 44789
institution or in a home subject to licensing by the department of 44790
job and family services, the department of mental health, or the 44791
department of mental retardation and developmental disabilities, 44792
the residence of the person shall be considered as though the 44793
person were residing in the county in which the person was living 44794
prior to the person's entrance into the institution or home. 44795
Settlement once acquired shall continue until a person has been 44796
continuously absent from Ohio for a period of one year or has 44797
acquired a legal residence in another state. A woman who marries a 44798
man with legal settlement in any county immediately acquires the 44799
settlement of her husband. The legal settlement of a minor is that 44800
of the parents, surviving parent, sole parent, parent who is 44801
designated the residential parent and legal custodian by a court, 44802
other adult having permanent custody awarded by a court, or 44803
guardian of the person of the minor, provided that: 44804

(1) A minor female who marries shall be considered to have 44805

the legal settlement of her husband and, in the case of death of 44806
her husband or divorce, she shall not thereby lose her legal 44807
settlement obtained by the marriage. 44808

(2) A minor male who marries, establishes a home, and who has 44809
resided in this state for one year without receiving general 44810
assistance prior to July 17, 1995, under former Chapter 5113. of 44811
the Revised Code, ~~disability~~ financial assistance under Chapter 44812
5115. of the Revised Code, or assistance from a private agency 44813
that maintains records of assistance given shall be considered to 44814
have obtained a legal settlement in this state. 44815

(3) The legal settlement of a child under eighteen years of 44816
age who is in the care or custody of a public or private child 44817
caring agency shall not change if the legal settlement of the 44818
parent changes until after the child has been in the home of the 44819
parent for a period of one year. 44820

No person, adult or minor, may establish a legal settlement 44821
in this state for the purpose of gaining admission to any state 44822
institution. 44823

(V)(1) "Resident" means, subject to division (R)(2) of this 44824
section, a person who is admitted either voluntarily or 44825
involuntarily to an institution or other facility pursuant to 44826
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 44827
Code subsequent to a finding of not guilty by reason of insanity 44828
or incompetence to stand trial or under this chapter who is under 44829
observation or receiving habilitation and care in an institution. 44830

(2) "Resident" does not include a person admitted to an 44831
institution or other facility under section 2945.39, 2945.40, 44832
2945.401, or 2945.402 of the Revised Code to the extent that the 44833
reference in this chapter to resident, or the context in which the 44834
reference occurs, is in conflict with any provision of sections 44835
2945.37 to 2945.402 of the Revised Code. 44836

(W) "Respondent" means the person whose detention, 44837
commitment, or continued commitment is being sought in any 44838
proceeding under this chapter. 44839

(X) "Working day" and "court day" mean Monday, Tuesday, 44840
Wednesday, Thursday, and Friday, except when such day is a legal 44841
holiday. 44842

(Y) "Prosecutor" means the prosecuting attorney, village 44843
solicitor, city director of law, or similar chief legal officer 44844
who prosecuted a criminal case in which a person was found not 44845
guilty by reason of insanity, who would have had the authority to 44846
prosecute a criminal case against a person if the person had not 44847
been found incompetent to stand trial, or who prosecuted a case in 44848
which a person was found guilty. 44849

(Z) "Court" means the probate division of the court of common 44850
pleas. 44851

Sec. 5123.051. (A) If the department of mental retardation 44852
and developmental disabilities determines ~~pursuant to an audit~~ 44853
~~conducted under section 5123.05 of the Revised Code or a~~ 44854
~~reconciliation conducted under section 5123.18 or 5111.252 of the~~ 44855
Revised Code that money is owed the state by a ~~provider of a~~ 44856
~~service person~~ or ~~program~~ government entity, the department may 44857
enter into a payment agreement with the ~~provider person or~~ 44858
government entity for collection of the money owed the state. The 44859
agreement shall include the following: 44860

(1) A schedule of installment payments whereby the money owed 44861
the state is to be paid in full within a reasonable period ~~not to~~ 44862
~~exceed one year;~~ 44863

(2) A provision that the ~~provider may pay the~~ entire balance 44864
owed may be paid at any time during the term of the agreement; 44865

(3) A provision that if any installment is not paid in full 44866

within forty-five days after it is due, the entire balance owed is 44867
immediately due and payable; 44868

(4) Any other terms and conditions that are agreed to by the 44869
department and the ~~provider~~ person or government entity. 44870

(B) The department may include a provision in a payment 44871
agreement that requires the ~~provider to pay~~ payment of interest on 44872
the money owed the state. The department, in its discretion, shall 44873
determine whether to require the payment of interest and, if it so 44874
requires, the rate of interest. Neither the obligation to pay 44875
interest nor the rate of interest is subject to negotiation 44876
between the department and the ~~provider~~ person or government
entity. 44877
44878

(C) If ~~the provider fails to pay~~ any installment is not paid 44879
in full within forty-five days after its due date, the department 44880
shall certify the entire balance owed to the attorney general for 44881
collection under section 131.02 of the Revised Code. ~~The To~~ 44882
satisfy a judgment secured by the attorney general, the department 44883
may withhold funds from any payments made it makes to a ~~provider~~ 44884
~~under section 5123.18 or 5111.252 of the Revised Code to satisfy a~~ 44885
~~judgment secured by the attorney general~~ person or government
entity. 44886
44887

(D) The purchase of service fund is hereby created. Money 44888
credited to the fund shall be used solely for purposes of section 44889
5123.05 of the Revised Code. 44890

Sec. 5123.19. (A) As used in this section and in sections 44891
5123.191, 5123.194, 5123.196, 5123.197, 5123.198, 5123.1910, and 44892
5123.20 of the Revised Code: 44893

(1)(a) "Residential facility" means a home or facility in 44894
which a mentally retarded or developmentally disabled person 44895
resides, except the home of a relative or legal guardian in which 44896

a mentally retarded or developmentally disabled person resides, a 44897
respite care home certified under section 5126.05 of the Revised 44898
Code, a county home or district home operated pursuant to Chapter 44899
5155. of the Revised Code, or a dwelling in which the only 44900
mentally retarded or developmentally disabled residents are in an 44901
independent living arrangement or are being provided supported 44902
living. 44903

(b) "Intermediate care facility for the mentally retarded" 44904
means a residential facility that is considered an intermediate 44905
care facility for the mentally retarded for the purposes of 44906
Chapter 5111. of the Revised Code. 44907

(2) "Political subdivision" means a municipal corporation, 44908
county, or township. 44909

(3) "Independent living arrangement" means an arrangement in 44910
which a mentally retarded or developmentally disabled person 44911
resides in an individualized setting chosen by the person or the 44912
person's guardian, which is not dedicated principally to the 44913
provision of residential services for mentally retarded or 44914
developmentally disabled persons, and for which no financial 44915
support is received for rendering such service from any 44916
governmental agency by a provider of residential services. 44917

(4) "Supported living" has the same meaning as in section 44918
5126.01 of the Revised Code. 44919

(5) "Licensee" means the person or government agency that has 44920
applied for a license to operate a residential facility and to 44921
which the license was issued under this section. 44922

(B) Every person or government agency desiring to operate a 44923
residential facility shall apply for licensure of the facility to 44924
the director of mental retardation and developmental disabilities 44925
unless the residential facility is subject to section 3721.02, 44926
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 44927

Chapter 3721. of the Revised Code, a nursing home that is 44928
certified as an intermediate care facility for the mentally 44929
retarded under Title XIX of the "Social Security Act," 79 Stat. 44930
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 44931
licensure of the portion of the home that is certified as an 44932
intermediate care facility for the mentally retarded. 44933

(C) ~~The~~ Subject to section 5123.196 of the Revised Code, the 44934
director of mental retardation and developmental disabilities 44935
shall license the operation of residential facilities. An initial 44936
license shall be issued for a period that does not exceed one 44937
year, unless the director denies the license under division (D) of 44938
this section. A license shall be renewed for a period that does 44939
not exceed three years, unless the director refuses to renew the 44940
license under division (D) of this section. The director, when 44941
issuing or renewing a license, shall specify the period for which 44942
the license is being issued or renewed. A license remains valid 44943
for the length of the licensing period specified by the director, 44944
unless the license is terminated, revoked, or voluntarily 44945
surrendered. 44946

(D) If it is determined that an applicant or licensee is not 44947
in compliance with a provision of this chapter that applies to 44948
residential facilities or the rules adopted under such a 44949
provision, the director may deny issuance of a license, refuse to 44950
renew a license, terminate a license, revoke a license, issue an 44951
order for the suspension of admissions to a facility, issue an 44952
order for the placement of a monitor at a facility, issue an order 44953
for the immediate removal of residents, or take any other action 44954
the director considers necessary consistent with the director's 44955
authority under this chapter regarding residential facilities. In 44956
the director's selection and administration of the sanction to be 44957
imposed, all of the following apply: 44958

(1) The director may deny, refuse to renew, or revoke a 44959

license, if the director determines that the applicant or licensee 44960
has demonstrated a pattern of serious noncompliance or that a 44961
violation creates a substantial risk to the health and safety of 44962
residents of a residential facility. 44963

(2) The director may terminate a license if more than twelve 44964
consecutive months have elapsed since the residential facility was 44965
last occupied by a resident or a notice required by division (J) 44966
of this section is not given. 44967

(3) The director may issue an order for the suspension of 44968
admissions to a facility for any violation that may result in 44969
sanctions under division (D)(1) of this section and for any other 44970
violation specified in rules adopted under division (G)(2) of this 44971
section. If the suspension of admissions is imposed for a 44972
violation that may result in sanctions under division (D)(1) of 44973
this section, the director may impose the suspension before 44974
providing an opportunity for an adjudication under Chapter 119. of 44975
the Revised Code. The director shall lift an order for the 44976
suspension of admissions when the director determines that the 44977
violation that formed the basis for the order has been corrected. 44978

(4) The director may order the placement of a monitor at a 44979
residential facility for any violation specified in rules adopted 44980
under division (G)(2) of this section. The director shall lift the 44981
order when the director determines that the violation that formed 44982
the basis for the order has been corrected. 44983

(5) If the director determines that two or more residential 44984
facilities owned or operated by the same person or government 44985
entity are not being operated in compliance with a provision of 44986
this chapter that applies to residential facilities or the rules 44987
adopted under such a provision, and the director's findings are 44988
based on the same or a substantially similar action, practice, 44989
circumstance, or incident that creates a substantial risk to the 44990
health and safety of the residents, the director shall conduct a 44991

survey as soon as practicable at each residential facility owned 44992
or operated by that person or government entity. The director may 44993
take any action authorized by this section with respect to any 44994
facility found to be operating in violation of a provision of this 44995
chapter that applies to residential facilities or the rules 44996
adopted under such a provision. 44997

(6) When the director initiates license revocation 44998
proceedings, no opportunity for submitting a plan of correction 44999
shall be given. The director shall notify the licensee by letter 45000
of the initiation of such proceedings. The letter shall list the 45001
deficiencies of the residential facility and inform the licensee 45002
that no plan of correction will be accepted. The director shall 45003
also notify each affected resident, the resident's guardian if the 45004
resident is an adult for whom a guardian has been appointed, the 45005
resident's parent or guardian if the resident is a minor, and the 45006
county board of mental retardation and developmental disabilities. 45007

(7) Pursuant to rules which shall be adopted in accordance 45008
with Chapter 119. of the Revised Code, the director may order the 45009
immediate removal of residents from a residential facility 45010
whenever conditions at the facility present an immediate danger of 45011
physical or psychological harm to the residents. 45012

(8) In determining whether a residential facility is being 45013
operated in compliance with a provision of this chapter that 45014
applies to residential facilities or the rules adopted under such 45015
a provision, or whether conditions at a residential facility 45016
present an immediate danger of physical or psychological harm to 45017
the residents, the director may rely on information obtained by a 45018
county board of mental retardation and developmental disabilities 45019
or other governmental agencies. 45020

(9) In proceedings initiated to deny, refuse to renew, or 45021
revoke licenses, the director may deny, refuse to renew, or revoke 45022
a license regardless of whether some or all of the deficiencies 45023

that prompted the proceedings have been corrected at the time of 45024
the hearing. 45025

(E) The director shall establish a program under which public 45026
notification may be made when the director has initiated license 45027
revocation proceedings or has issued an order for the suspension 45028
of admissions, placement of a monitor, or removal of residents. 45029
The director shall adopt rules in accordance with Chapter 119. of 45030
the Revised Code to implement this division. The rules shall 45031
establish the procedures by which the public notification will be 45032
made and specify the circumstances for which the notification must 45033
be made. The rules shall require that public notification be made 45034
if the director has taken action against the facility in the 45035
eighteen-month period immediately preceding the director's latest 45036
action against the facility and the latest action is being taken 45037
for the same or a substantially similar violation of a provision 45038
of this chapter that applies to residential facilities or the 45039
rules adopted under such a provision. The rules shall specify a 45040
method for removing or amending the public notification if the 45041
director's action is found to have been unjustified or the 45042
violation at the residential facility has been corrected. 45043

(F)(1) Except as provided in division (F)(2) of this section, 45044
appeals from proceedings initiated to impose a sanction under 45045
division (D) of this section shall be conducted in accordance with 45046
Chapter 119. of the Revised Code. 45047

(2) Appeals from proceedings initiated to order the 45048
suspension of admissions to a facility shall be conducted in 45049
accordance with Chapter 119. of the Revised Code, unless the order 45050
was issued before providing an opportunity for an adjudication, in 45051
which case all of the following apply: 45052

(a) The licensee may request a hearing not later than ten 45053
days after receiving the notice specified in section 119.07 of the 45054
Revised Code. 45055

(b) If a timely request for a hearing is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the close of the hearing.

(e) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(f) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(g) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, including intermediate care facilities for the mentally retarded. The rules for intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the

length of the licensing period that the director must specify for	45086
each license when it is issued or renewed;	45087
(2) Procedures and criteria for denying, refusing to renew,	45088
terminating, and revoking licenses and for ordering the suspension	45089
of admissions to a facility, placement of a monitor at a facility,	45090
and the immediate removal of residents from a facility;	45091
(3) Fees for issuing and renewing licenses;	45092
(4) Procedures for surveying residential facilities;	45093
(5) Requirements for the training of residential facility	45094
personnel;	45095
(6) Classifications for the various types of residential	45096
facilities;	45097
(7) Certification procedures for licensees and management	45098
contractors that the director determines are necessary to ensure	45099
that they have the skills and qualifications to properly operate	45100
or manage residential facilities;	45101
(8) The maximum number of persons who may be served in a	45102
particular type of residential facility;	45103
(9) Uniform procedures for admission of persons to and	45104
transfers and discharges of persons from residential facilities;	45105
(10) Other standards for the operation of residential	45106
facilities and the services provided at residential facilities;	45107
(11) Procedures for waiving any provision of any rule adopted	45108
under this section.	45109
(H) Before issuing a license, the director of the department	45110
or the director's designee shall conduct a survey of the	45111
residential facility for which application is made. The director	45112
or the director's designee shall conduct a survey of each licensed	45113
residential facility at least once during the period the license	45114
is valid and may conduct additional inspections as needed. A	45115

survey includes but is not limited to an on-site examination and 45116
evaluation of the residential facility, its personnel, and the 45117
services provided there. 45118

In conducting surveys, the director or the director's 45119
designee shall be given access to the residential facility; all 45120
records, accounts, and any other documents related to the 45121
operation of the facility; the licensee; the residents of the 45122
facility; and all persons acting on behalf of, under the control 45123
of, or in connection with the licensee. The licensee and all 45124
persons on behalf of, under the control of, or in connection with 45125
the licensee shall cooperate with the director or the director's 45126
designee in conducting the survey. 45127

Following each survey, unless the director initiates a 45128
license revocation proceeding, the director or the director's 45129
designee shall provide the licensee with a report listing any 45130
deficiencies, specifying a timetable within which the licensee 45131
shall submit a plan of correction describing how the deficiencies 45132
will be corrected, and, when appropriate, specifying a timetable 45133
within which the licensee must correct the deficiencies. After a 45134
plan of correction is submitted, the director or the director's 45135
designee shall approve or disapprove the plan. A copy of the 45136
report and any approved plan of correction shall be provided to 45137
any person who requests it. 45138

The director shall initiate disciplinary action against any 45139
department employee who notifies or causes the notification to any 45140
unauthorized person of an unannounced survey of a residential 45141
facility by an authorized representative of the department. 45142

(I) In addition to any other information which may be 45143
required of applicants for a license pursuant to this section and 45144
except as provided in section 5123.1910 of the Revised Code, the 45145
director shall require each applicant to provide a copy of an 45146
approved plan for a proposed residential facility pursuant to 45147

section 5123.042 of the Revised Code. This division does not apply 45148
to renewal of a license. 45149

(J) A licensee shall notify the owner of the building in 45150
which the licensee's residential facility is located of any 45151
significant change in the identity of the licensee or management 45152
contractor before the effective date of the change if the licensee 45153
is not the owner of the building. 45154

Pursuant to rules which shall be adopted in accordance with 45155
Chapter 119. of the Revised Code, the director may require 45156
notification to the department of any significant change in the 45157
ownership of a residential facility or in the identity of the 45158
licensee or management contractor. If the director determines that 45159
a significant change of ownership is proposed, the director shall 45160
consider the proposed change to be an application for development 45161
by a new operator pursuant to section 5123.042 of the Revised Code 45162
and shall advise the applicant within sixty days of such 45163
notification that the current license shall continue in effect or 45164
a new license will be required pursuant to this section. If the 45165
director requires a new license, the director shall permit the 45166
facility to continue to operate under the current license until 45167
the new license is issued, unless the current license is revoked, 45168
refused to be renewed, or terminated in accordance with Chapter 45169
119. of the Revised Code. 45170

(K) A county board of mental retardation and developmental 45171
disabilities, the legal rights service, and any interested person 45172
may file complaints alleging violations of statute or department 45173
rule relating to residential facilities with the department. All 45174
complaints shall be in writing and shall state the facts 45175
constituting the basis of the allegation. The department shall not 45176
reveal the source of any complaint unless the complainant agrees 45177
in writing to waive the right to confidentiality or until so 45178
ordered by a court of competent jurisdiction. 45179

The department shall adopt rules in accordance with Chapter 45180
119. of the Revised Code establishing procedures for the receipt, 45181
referral, investigation, and disposition of complaints filed with 45182
the department under this division. 45183

(L) The department shall establish procedures for the 45184
notification of interested parties of the transfer or interim care 45185
of residents from residential facilities that are closing or are 45186
losing their license. 45187

(M) Before issuing a license under this section to a 45188
residential facility that will accommodate at any time more than 45189
one mentally retarded or developmentally disabled individual, the 45190
director shall, by first class mail, notify the following: 45191

(1) If the facility will be located in a municipal 45192
corporation, the clerk of the legislative authority of the 45193
municipal corporation; 45194

(2) If the facility will be located in unincorporated 45195
territory, the clerk of the appropriate board of county 45196
commissioners and the clerk of the appropriate board of township 45197
trustees. 45198

The director shall not issue the license for ten days after 45199
mailing the notice, excluding Saturdays, Sundays, and legal 45200
holidays, in order to give the notified local officials time in 45201
which to comment on the proposed issuance. 45202

Any legislative authority of a municipal corporation, board 45203
of county commissioners, or board of township trustees that 45204
receives notice under this division of the proposed issuance of a 45205
license for a residential facility may comment on it in writing to 45206
the director within ten days after the director mailed the notice, 45207
excluding Saturdays, Sundays, and legal holidays. If the director 45208
receives written comments from any notified officials within the 45209
specified time, the director shall make written findings 45210

concerning the comments and the director's decision on the 45211
issuance of the license. If the director does not receive written 45212
comments from any notified local officials within the specified 45213
time, the director shall continue the process for issuance of the 45214
license. 45215

(N) Any person may operate a licensed residential facility 45216
that provides room and board, personal care, habilitation 45217
services, and supervision in a family setting for at least six but 45218
not more than eight persons with mental retardation or a 45219
developmental disability as a permitted use in any residential 45220
district or zone, including any single-family residential district 45221
or zone, of any political subdivision. These residential 45222
facilities may be required to comply with area, height, yard, and 45223
architectural compatibility requirements that are uniformly 45224
imposed upon all single-family residences within the district or 45225
zone. 45226

(O) Any person may operate a licensed residential facility 45227
that provides room and board, personal care, habilitation 45228
services, and supervision in a family setting for at least nine 45229
but not more than sixteen persons with mental retardation or a 45230
developmental disability as a permitted use in any multiple-family 45231
residential district or zone of any political subdivision, except 45232
that a political subdivision that has enacted a zoning ordinance 45233
or resolution establishing planned unit development districts may 45234
exclude these residential facilities from such districts, and a 45235
political subdivision that has enacted a zoning ordinance or 45236
resolution may regulate these residential facilities in 45237
multiple-family residential districts or zones as a conditionally 45238
permitted use or special exception, in either case, under 45239
reasonable and specific standards and conditions set out in the 45240
zoning ordinance or resolution to: 45241

(1) Require the architectural design and site layout of the 45242

residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood; 45243
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45245

(2) Require compliance with yard, parking, and sign regulation; 45246
45247

(3) Limit excessive concentration of these residential facilities. 45248
45249

(P) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 45250
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(Q) Divisions (N) and (O) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 45254
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(R)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 45260
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45262

(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 45263
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 45269
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(2) To be eligible to receive an interim license, an 45272

applicant must meet the same criteria that must be met to receive 45273
a permanent license under this section, except for any differing 45274
procedures and time frames that may apply to issuance of a 45275
permanent license. 45276

(3) An interim license shall be valid for thirty days and may 45277
be renewed by the director for a period not to exceed one hundred 45278
fifty days. 45279

(4) The director shall adopt rules in accordance with Chapter 45280
119. of the Revised Code as the director considers necessary to 45281
administer the issuance of interim licenses. 45282

(S) Notwithstanding rules adopted pursuant to this section 45283
establishing the maximum number of persons who may be served in a 45284
particular type of residential facility, a residential facility 45285
shall be permitted to serve the same number of persons being 45286
served by the facility on the effective date of such rules or the 45287
number of persons for which the facility is authorized pursuant to 45288
a current application for a certificate of need with a letter of 45289
support from the department of mental retardation and 45290
developmental disabilities and which is in the review process 45291
prior to April 4, 1986. 45292

(T) The director or the director's designee may enter at any 45293
time, for purposes of investigation, any home, facility, or other 45294
structure that has been reported to the director or that the 45295
director has reasonable cause to believe is being operated as a 45296
residential facility without a license issued under this section. 45297

The director may petition the court of common pleas of the 45298
county in which an unlicensed residential facility is located for 45299
an order enjoining the person or governmental agency operating the 45300
facility from continuing to operate without a license. The court 45301
may grant the injunction on a showing that the person or 45302
governmental agency named in the petition is operating a 45303

residential facility without a license. The court may grant the
injunction, regardless of whether the residential facility meets
the requirements for receiving a license under this section.

(U) Except as provided in section 5123.198 of the Revised
Code, whenever a resident of a residential facility is committed
to a state-operated intermediate care facility for the mentally
retarded pursuant to sections 5123.71 to 5123.76 of the Revised
Code, the department shall reduce by one the maximum number of
residents for which the facility is licensed.

Sec. 5123.196. (A) Except as provided in division (E) of this
section, the director of mental retardation and developmental
disabilities shall not issue a license under section 5123.19 of
the Revised Code on or after July 1, 2003, if issuance will result
in there being more beds in all residential facilities licensed
under that section than is permitted under division (B) of this
section.

(B) The maximum number of beds for the purpose of division
(A) of this section shall not exceed ten thousand eight hundred
thirty-eight minus, except as provided in division (C) of this
section, the number of such beds taken out of service on or after
July 1, 2003, pursuant to section 5123.197 of the Revised Code or
because a residential facility license is revoked, terminated, or
not renewed for any reason or is surrendered.

(C) The director is not required to reduce the maximum number
of beds pursuant to division (B) of this section by a bed taken
out of service if the director determines that the bed is needed
to provide services to an individual with mental retardation or a
developmental disability who resided in the residential facility
in which the bed was located.

(D) The director shall maintain an up-to-date written record
of the maximum number of residential facility beds provided for by

division (B) of this section. 45335

(E) If required by section 5123.1910 of the Revised Code to 45336
issue a license under section 5123.19 of the Revised Code, the 45337
director shall issue the license regardless of whether issuance 45338
will result in there being more beds in all residential facilities 45339
licensed under that section than is permitted under division (B) 45340
of this section. 45341

Sec. 5123.197. A licensee shall take out of service as a 45342
residential facility bed any bed located in the facility that is 45343
converted to use for supported living. The number of residential 45344
facility beds a residential facility is licensed to have shall be 45345
reduced by each bed taken out of service under this section. 45346

Sec. 5123.198. (A) Whenever a resident of an intermediate 45347
care facility for the mentally retarded is committed to a 45348
state-operated intermediate care facility for the mentally 45349
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 45350
Code, the department of mental retardation and developmental 45351
disabilities shall reduce by one the number of residents for which 45352
the facility in which the resident resided is licensed, unless the 45353
facility admits an individual who resides in a state-operated 45354
intermediate care facility for the mentally retarded on the date 45355
of the commitment or another individual determined to need the 45356
level of care provided by such a facility and designated by the 45357
department not later than ninety days after the date of the 45358
commitment. 45359

(B) The department of mental retardation and developmental 45360
disabilities may notify the department of job and family services 45361
of any reduction under this section in the number of residents for 45362
which a facility is licensed. On receiving the notice, the 45363
department of job and family services may transfer to the 45364

department of mental retardation and developmental disabilities 45365
the savings in the nonfederal share of medicaid expenditures for 45366
each fiscal year after the year of the commitment to be used for 45367
costs of the resident's care in the state-operated intermediate 45368
care facility for the mentally retarded. In determining the amount 45369
saved, the department of job and family services shall consider 45370
medicaid payments for the remaining residents of the facility in 45371
which the resident resided. 45372

Sec. ~~5111.252~~ 5123.199. (A) As used in this section: 45373

(1) "Contractor" means a person or government agency that has 45374
entered into a contract with the department of mental retardation 45375
and developmental disabilities under this section. 45376

(2) "Government agency" and "residential services" have the 45377
same meanings as in section 5123.18 of the Revised Code. 45378

(3) "Intermediate care facility for the mentally retarded" 45379
has the same meaning as in section 5111.20 of the Revised Code. 45380

(4) "Respite care services" has the same meaning as in 45381
section 5123.171 of the Revised Code. 45382

(B) The department of mental retardation and developmental 45383
disabilities may enter into a contract with a person or government 45384
agency to do any of the following: 45385

(1) Provide residential services in an intermediate care 45386
facility for the mentally retarded to an individual who meets the 45387
criteria for admission to such a facility but is not eligible for 45388
assistance under ~~this chapter~~ Chapter 5111. of the Revised Code 45389
due to unliquidated assets subject to final probate action; 45390

(2) Provide respite care services in an intermediate care 45391
facility for the mentally retarded; 45392

(3) Provide residential services in a facility for which the 45393
person or government agency has applied for, but has not received, 45394

certification and payment as an intermediate care facility for the 45395
mentally retarded if the person or government agency is making a 45396
good faith effort to bring the facility into compliance with 45397
requirements for certification and payment as an intermediate care 45398
facility for the mentally retarded. In assigning payment amounts 45399
to such contracts, the department shall take into account costs 45400
incurred in attempting to meet certification requirements. 45401

(4) Reimburse an intermediate care facility for the mentally 45402
retarded for costs not otherwise reimbursed under ~~this chapter~~ 45403
Chapter 5111. of the Revised Code for clothing for individuals who 45404
are mentally retarded or developmentally disabled. Reimbursement 45405
under such contracts shall not exceed a maximum amount per 45406
individual per year specified in rules that the department shall 45407
adopt in accordance with Chapter 119. of the Revised Code. 45408

(C) The amount paid to a contractor under divisions (B)(1) to 45409
(3) of this section shall not exceed the reimbursement that would 45410
be made under ~~this chapter~~ Chapter 5111. of the Revised Code by 45411
the department of job and family services for the same goods and 45412
services. 45413

(D) The department of mental retardation and developmental 45414
disabilities shall adopt rules as necessary to implement this 45415
section, including rules establishing standards and procedures for 45416
the submission of cost reports by contractors and the department's 45417
conduct of audits and reconciliations regarding the contracts. The 45418
rules shall be adopted in accordance with Chapter 119. of the 45419
Revised Code. 45420

Sec. 5123.1910. (A) The director of mental retardation and 45421
developmental disabilities shall issue one or more residential 45422
facility licenses under section 5123.19 of the Revised Code to an 45423
applicant without requiring the applicant to have plans submitted, 45424
reviewed, or approved under section 5123.042 of the Revised Code 45425

for the residential facility if all of the following requirements 45426
are met: 45427

(1) The applicant satisfies the requirements for the license 45428
established by section 5123.19 of the Revised Code and rules 45429
adopted under that section, other than any rule that requires an 45430
applicant for a residential facility license to have plans 45431
submitted, reviewed, or approved under section 5123.042 of the 45432
Revised Code for the residential facility. 45433

(2) The applicant operates at least one residential facility 45434
licensed under section 5123.19 of the Revised Code on the 45435
effective date of this section. 45436

(3) The applicant provides services to individuals with 45437
mental retardation or a developmental disability who have a 45438
chronic, medically complex, or technology-dependent condition that 45439
requires special supervision or care, the majority of whom 45440
received habilitation services from the applicant before attaining 45441
eighteen years of age. 45442

(4) The applicant has created directly or through a corporate 45443
affiliate a research center that has the mission of funding, 45444
promoting, and carrying on scientific research in the public 45445
interest related to individuals with mental retardation or a 45446
developmental disability for the purpose of improving the lives of 45447
such individuals. 45448

(5) If the applicant seeks two or more residential facility 45449
licenses, the residential facilities for which a license is sought 45450
after the effective date of this section are located on the same 45451
or adjoining property sites. 45452

(6) The residential facilities for which the applicant seeks 45453
licensure have not more than eight beds each and forty-eight beds 45454
total. 45455

(7) The applicant, one or more of the applicant's corporate 45456

affiliates, or both employ or contract for, on a full-time basis, 45457
at least one licensed physician who is certified by the American 45458
board of pediatrics or would be eligible for certification from 45459
that board if the physician passed an examination necessary to 45460
obtain certification from that board. 45461

(8) The applicant, one or more of the applicant's corporate 45462
affiliates, or both have educational facilities suitable for the 45463
instruction of individuals under eighteen years of age with mental 45464
retardation or a developmental disability who have a medically 45465
complex or technology-dependent condition. 45466

(9) The applicant has a policy for giving individuals with 45467
mental retardation or a developmental disability who meet all of 45468
the following conditions priority over all others in admissions to 45469
one of the residential facilities licensed under section 5123.19 45470
of the Revised Code that the applicant operates on the effective 45471
date of this section: 45472

(a) Are under eighteen years of age; 45473

(b) Have a chronic, medically complex, or 45474
technology-dependent condition that requires special supervision 45475
or care; 45476

(c) Are eligible for medicaid; 45477

(d) Reside in a nursing home, as defined in section 3721.01 45478
of the Revised Code, or a hospital, as defined in section 3727.01, 45479
prior to being admitted to the residential facility. 45480

(B) The director shall issue one or more residential facility 45481
licenses under section 5123.19 of the Revised Code to an applicant 45482
who meets all of the requirements of this section regardless of 45483
whether the requirements for approval of a plan for a proposed 45484
residential facility established by rules adopted under section 45485
5123.042 of the Revised Code are met. 45486

Sec. 5123.38. (A) Except as provided in division (B) and (C) of this section, if an individual receiving supported living or home and community-based services, as defined in section 5126.01 of the Revised Code, funded by a county board of mental retardation and developmental disabilities is committed to a state-operated intermediate care facility for the mentally retarded pursuant to sections 5123.71 to 5123.76 of the Revised Code, the department of mental retardation and developmental disabilities shall use the funds otherwise allocated to the county board as the nonfederal share of medicaid expenditures for the individual's care in the state-operated facility.

(B) Division (A) of this section does not apply if the county board, not later than ninety days after the date of the commitment of a person receiving supported services, commences funding of supported living for an individual who resides in a state-operated intermediate care facility for the mentally retarded on the date of the commitment or another eligible individual designated by the department.

(C) Division (A) of this section does not apply if the county board, not later than ninety days after the date of the commitment of a person receiving home and community-based services, commences funding of home and community-based services for an individual who resides in a state-operated intermediate care facility for the mentally retarded on the date of the commitment or another eligible individual designated by the department.

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 45517
practices and conditions of institutions for mentally retarded or 45518
developmentally disabled persons and hospitals for the mentally 45519
ill; and to assure that all persons detained, hospitalized, 45520
discharged, or institutionalized, and all persons whose detention, 45521
hospitalization, discharge, or institutionalization is sought or 45522
has been sought under this chapter or Chapter 5122. of the Revised 45523
Code are fully informed of their rights and adequately represented 45524
by counsel in proceedings under this chapter or Chapter 5122. of 45525
the Revised Code and in any proceedings to secure the rights of 45526
those persons. Notwithstanding the definitions of "mentally 45527
retarded person" and "developmentally disabled person" in section 45528
5123.01 of the Revised Code, the legal rights service shall 45529
determine who is a mentally retarded or developmentally disabled 45530
person for purposes of this section and sections 5123.601 to 45531
5123.604 of the Revised Code. 45532

(B) In regard to those persons detained, hospitalized, or 45533
institutionalized under Chapter 5122. of the Revised Code, the 45534
legal rights service shall undertake formal representation only of 45535
those persons who are involuntarily detained, hospitalized, or 45536
institutionalized pursuant to sections 5122.10 to 5122.15 of the 45537
Revised Code, and those voluntarily detained, hospitalized, or 45538
institutionalized who are minors, who have been adjudicated 45539
incompetent, who have been detained, hospitalized, or 45540
institutionalized in a public hospital, or who have requested 45541
representation by the legal rights service. If a person referred 45542
to in division (A) of this section voluntarily requests in writing 45543
that the legal rights service terminate participation in the 45544
person's case, such involvement shall cease. 45545

(C) Any person voluntarily hospitalized or institutionalized 45546
in a public hospital under division (A) of section 5122.02 of the 45547
Revised Code, after being fully informed of the person's rights 45548

under division (A) of this section, may, by written request, waive 45549
assistance by the legal rights service if the waiver is knowingly 45550
and intelligently made, without duress or coercion. 45551

The waiver may be rescinded at any time by the voluntary 45552
patient or resident, or by the voluntary patient's or resident's 45553
legal guardian. 45554

(D)(1) The legal rights service commission is hereby created 45555
for the purposes of appointing an administrator of the legal 45556
rights service, advising the administrator, assisting the 45557
administrator in developing a budget, and establishing general 45558
policy guidelines, including guidelines for the commencement and 45559
resolution of litigation, for the legal rights service. The 45560
commission may adopt rules to carry these purposes into effect and 45561
may receive and act upon appeals of personnel decisions by the 45562
administrator. 45563

(2) The commission shall consist of seven members. One 45564
member, who shall serve as chairperson, shall be appointed by the 45565
chief justice of the supreme court, three members shall be 45566
appointed by the speaker of the house of representatives, and 45567
three members shall be appointed by the president of the senate. 45568
At least two members shall have experience in the field of 45569
developmental disabilities, and at least two members shall have 45570
experience in the field of mental health. No member shall be a 45571
provider or related to a provider of services to mentally 45572
retarded, developmentally disabled, or mentally ill persons. 45573

(3) Terms of office of the members of the commission shall be 45574
for three years, each term ending on the same day of the month of 45575
the year as did the term which it succeeds. Each member shall 45576
serve subsequent to the expiration of the member's term until a 45577
successor is appointed and qualifies, or until sixty days has 45578
elapsed, whichever occurs first. No member shall serve more than 45579
two consecutive terms. 45580

All vacancies in the membership of the commission shall be 45581
filled in the manner prescribed for regular appointments to the 45582
commission and shall be limited to the unexpired terms. 45583

(4) The commission shall meet at least four times each year. 45584
Members shall be reimbursed for their necessary and actual 45585
expenses incurred in the performance of their official duties. 45586

(5) The administrator of the legal rights service shall be 45587
~~appointed for a five year term, subject to removal for mental or~~ 45588
~~physical incapacity to perform the duties of the office,~~ 45589
~~conviction of violation of any law relating to the administrator's~~ 45590
~~powers and duties, or other good cause shown~~ serve at the pleasure 45591
of the commission. 45592

The administrator shall be a person who has had special 45593
training and experience in the type of work with which the legal 45594
rights service is charged. If the administrator is not an 45595
attorney, the administrator shall seek legal counsel when 45596
appropriate. The salary of the administrator shall be established 45597
in accordance with section 124.14 of the Revised Code. 45598

(E) The legal rights service shall be completely independent 45599
of the department of mental health and the department of mental 45600
retardation and developmental disabilities and, notwithstanding 45601
section 109.02 of the Revised Code, shall also be independent of 45602
the office of the attorney general. The administrator of the legal 45603
rights service, staff, and attorneys designated by the 45604
administrator to represent persons detained, hospitalized, or 45605
institutionalized under this chapter or Chapter 5122. of the 45606
Revised Code shall have ready access to the following: 45607

(1) During normal business hours and at other reasonable 45608
times, all records relating to expenditures of state and federal 45609
funds or to the commitment, care, treatment, and habilitation of 45610
all persons represented by the legal rights service, including 45611

those who may be represented pursuant to division (L) of this 45612
section, or persons detained, hospitalized, institutionalized, or 45613
receiving services under this chapter or Chapter 340., 5119., 45614
5122., or 5126. of the Revised Code that are records maintained by 45615
the following entities providing services for those persons: 45616
departments; institutions; hospitals; community residential 45617
facilities; boards of alcohol, drug addiction, and mental health 45618
services; county boards of mental retardation and developmental 45619
disabilities; contract agencies of those boards; and any other 45620
entity providing services to persons who may be represented by the 45621
service pursuant to division (L) of this section; 45622

(2) Any records maintained in computerized data banks of the 45623
departments or boards or, in the case of persons who may be 45624
represented by the service pursuant to division (L) of this 45625
section, any other entity that provides services to those persons; 45626

(3) During their normal working hours, personnel of the 45627
departments, facilities, boards, agencies, institutions, 45628
hospitals, and other service-providing entities; 45629

(4) At any time, all persons detained, hospitalized, or 45630
institutionalized; persons receiving services under this chapter 45631
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 45632
persons who may be represented by the service pursuant to division 45633
(L) of this section. 45634

(F) The administrator of the legal rights service shall do 45635
the following: 45636

(1) Administer and organize the work of the legal rights 45637
service and establish administrative or geographic divisions as 45638
the administrator considers necessary, proper, and expedient; 45639

(2) Adopt and promulgate rules that are not in conflict with 45640
rules adopted by the commission and prescribe duties for the 45641
efficient conduct of the business and general administration of 45642

the legal rights service; 45643

(3) Appoint and discharge employees, and hire experts, 45644
consultants, advisors, or other professionally qualified persons 45645
as the administrator considers necessary to carry out the duties 45646
of the legal rights service; 45647

(4) Apply for and accept grants of funds, and accept 45648
charitable gifts and bequests; 45649

(5) Prepare and submit a budget to the general assembly for 45650
the operation of the legal rights service. At least thirty days 45651
prior to submitting the budget to the general assembly, the 45652
administrator shall provide a copy of the budget to the commission 45653
for review and comment. When submitting the budget to the general 45654
assembly, the administrator shall include a copy of any written 45655
comments returned by the commission to the administrator. 45656

(6) Enter into contracts and make expenditures necessary for 45657
the efficient operation of the legal rights service; 45658

(7) Annually prepare a report of activities and submit copies 45659
of the report to the governor, the chief justice of the supreme 45660
court, the president of the senate, the speaker of the house of 45661
representatives, the director of mental health, and the director 45662
of mental retardation and developmental disabilities, and make the 45663
report available to the public; 45664

(8) Upon request of the commission or of the chairperson of 45665
the commission, report to the commission on specific litigation 45666
issues or activities. 45667

(G)(1) The legal rights service may act directly or contract 45668
with other organizations or individuals for the provision of the 45669
services envisioned under this section. 45670

(2) Whenever possible, the administrator shall attempt to 45671
facilitate the resolution of complaints through administrative 45672

channels. Subject to division (G)(3) of this section, if attempts 45673
at administrative resolution prove unsatisfactory, the 45674
administrator may pursue any legal, administrative, and other 45675
appropriate remedies or approaches that may be necessary to 45676
accomplish the purposes of this section. 45677

(3) The administrator may not pursue a class action lawsuit 45678
under division (G)(2) of this section when attempts at 45679
administrative resolution of a complaint prove unsatisfactory 45680
under that division unless both of the following have first 45681
occurred: 45682

(a) At least four members of the commission, by their 45683
affirmative vote, have consented to the pursuit of the class 45684
action lawsuit; 45685

(b) At least five members of the commission are present at 45686
the meeting of the commission at which that consent is obtained. 45687

(4) Relationships between personnel and the agents of the 45688
legal rights service and its clients shall be fiduciary 45689
relationships, and all communications shall be confidential, as if 45690
between attorney and client. 45691

(5) Any person who has been represented by the legal rights 45692
service or who has applied for and been denied representation and 45693
who files a grievance with the service concerning the 45694
representation or application may appeal the decision of the 45695
service on the grievance to the commission. The person may appeal 45696
notwithstanding any objections of the person's legal guardian. The 45697
commission may examine any records relevant to the appeal and 45698
shall maintain the confidentiality of any records that are 45699
required to be kept confidential. 45700

(H) The legal rights service, on the order of the 45701
administrator, with the approval by an affirmative vote of at 45702
least four members of the commission, may compel by subpoena the 45703

appearance and sworn testimony of any person the administrator 45704
reasonably believes may be able to provide information or to 45705
produce any documents, books, records, papers, or other 45706
information necessary to carry out its duties. 45707

(I) The legal rights service may conduct public hearings. 45708

(J) The legal rights service may request from any 45709
governmental agency any cooperation, assistance, services, or data 45710
that will enable it to perform its duties. 45711

(K) In any malpractice action filed against the administrator 45712
of the legal rights service, a member of the staff of the legal 45713
rights service, or an attorney designated by the administrator to 45714
perform legal services under division (E) of this section, the 45715
state shall, when the administrator, member, or attorney has acted 45716
in good faith and in the scope of employment, indemnify the 45717
administrator, member, or attorney for any judgment awarded or 45718
amount negotiated in settlement, and for any court costs or legal 45719
fees incurred in defense of the claim. 45720

This division does not limit or waive, and shall not be 45721
construed to limit or waive, any defense that is available to the 45722
legal rights service, its administrator or employees, persons 45723
under a personal services contract with it, or persons designated 45724
under division (E) of this section, including, but not limited to, 45725
any defense available under section 9.86 of the Revised Code. 45726

(L) In addition to providing services to mentally ill, 45727
mentally retarded, or developmentally disabled persons, when a 45728
grant authorizing the provision of services to other individuals 45729
is accepted pursuant to division (F)(4) of this section, the legal 45730
rights service and its ombudsperson section may provide advocacy 45731
or ombudsperson services to those other individuals and exercise 45732
any other authority granted by this section or sections 5123.601 45733
to 5123.604 of the Revised Code on behalf of those individuals. 45734

Determinations of whether an individual is eligible for services 45735
under this division shall be made by the legal rights service. 45736

Sec. 5123.801. If neither a discharged resident, nor a 45737
resident granted trial visit, nor the persons requesting the 45738
resident's trial visit or discharge are financially able to bear 45739
the expense of the resident's trial visit or discharge, the 45740
managing officer of an institution under the control of the 45741
department of mental retardation and developmental disabilities 45742
may then provide actual traveling and escort expenses to the 45743
township of which the resident resided at the time of 45744
institutionalization. The amount payable shall be charged to the 45745
current expense fund of the institution. 45746

The expense of the return of a resident on trial visit from 45747
an institution, if it cannot be paid by the responsible relatives, 45748
shall be borne by the county of institutionalization. 45749

~~The managing officer of the institution shall take all proper 45750
measures for the apprehension of an escaped resident. The expense 45751
of the return of an escaped resident shall be borne by the 45752
institution where the resident is institutionalized. 45753~~

The managing officer of the institution shall provide 45754
sufficient and proper clothing for traveling if neither the 45755
resident nor the persons requesting the resident's trial visit or 45756
discharge are financially able to provide that clothing. 45757

Sec. 5123.851. When a resident institutionalized pursuant to 45758
this chapter is discharged from the institution, the managing 45759
officer of the institution may provide the resident with all 45760
personal items that were purchased in implementing the resident's 45761
habilitation plan established pursuant to section 5123.85 of the 45762
Revised Code. The personal items may be provided to the resident, 45763
regardless of the source of the funds that were used to purchase 45764

the items. 45765

Sec. 5126.01. As used in this chapter: 45766

(A) As used in this division, "adult" means an individual who 45767
is eighteen years of age or over and not enrolled in a program or 45768
service under Chapter 3323. of the Revised Code and an individual 45769
sixteen or seventeen years of age who is eligible for adult 45770
services under rules adopted by the director of mental retardation 45771
and developmental disabilities pursuant to Chapter 119. of the 45772
Revised Code. 45773

(1) "Adult services" means services provided to an adult 45774
outside the home, except when they are provided within the home 45775
according to an individual's assessed needs and identified in an 45776
individual service plan, that support learning and assistance in 45777
the area of self-care, sensory and motor development, 45778
socialization, daily living skills, communication, community 45779
living, social skills, or vocational skills. 45780

(2) "Adult services" includes all of the following: 45781

(a) Adult day habilitation services; 45782

(b) Adult day care; 45783

(c) Prevocational services; 45784

(d) Sheltered employment; 45785

(e) Educational experiences and training obtained through 45786
entities and activities that are not expressly intended for 45787
individuals with mental retardation and developmental 45788
disabilities, including trade schools, vocational or technical 45789
schools, adult education, job exploration and sampling, unpaid 45790
work experience in the community, volunteer activities, and 45791
spectator sports; 45792

(f) Community employment services and supported employment 45793

services. 45794

(B)(1) "Adult day habilitation services" means adult services 45795
that do the following: 45796

(a) Provide access to and participation in typical activities 45797
and functions of community life that are desired and chosen by the 45798
general population, including such activities and functions as 45799
opportunities to experience and participate in community 45800
exploration, companionship with friends and peers, leisure 45801
activities, hobbies, maintaining family contacts, community 45802
events, and activities where individuals without disabilities are 45803
involved; 45804

(b) Provide supports or a combination of training and 45805
supports that afford an individual a wide variety of opportunities 45806
to facilitate and build relationships and social supports in the 45807
community. 45808

(2) "Adult day habilitation services" includes all of the 45809
following: 45810

(a) Personal care services needed to ensure an individual's 45811
ability to experience and participate in vocational services, 45812
educational services, community activities, and any other adult 45813
day habilitation services; 45814

(b) Skilled services provided while receiving adult day 45815
habilitation services, including such skilled services as behavior 45816
management intervention, occupational therapy, speech and language 45817
therapy, physical therapy, and nursing services; 45818

(c) Training and education in self-determination designed to 45819
help the individual do one or more of the following: develop 45820
self-advocacy skills, exercise the individual's civil rights, 45821
acquire skills that enable the individual to exercise control and 45822
responsibility over the services received, and acquire skills that 45823
enable the individual to become more independent, integrated, or 45824

productive in the community;	45825
(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;	45826 45827 45828
(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;	45829 45830 45831 45832 45833
(f) Transportation necessary to access adult day habilitation services;	45834 45835
(g) Habilitation management, as described in section 5126.14 of the Revised Code.	45836 45837
(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.	45838 45839 45840
(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:	45841 45842 45843 45844 45845
(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;	45846 45847 45848
(2) Supervised work experience through an employer paid to provide the supervised work experience;	45849 45850
(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;	45851 45852
(4) Ongoing supervision by an employer paid to provide the supervision.	45853 45854

(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.

(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 45885
attained compulsory school age. 45886

(F)(1) "Environmental modifications" means the physical 45887
adaptations to an individual's home, specified in the individual's 45888
service plan, that are necessary to ensure the individual's 45889
health, safety, and welfare or that enable the individual to 45890
function with greater independence in the home, and without which 45891
the individual would require institutionalization. 45892

(2) "Environmental modifications" includes such adaptations 45893
as installation of ramps and grab-bars, widening of doorways, 45894
modification of bathroom facilities, and installation of 45895
specialized electric and plumbing systems necessary to accommodate 45896
the individual's medical equipment and supplies. 45897

(3) "Environmental modifications" does not include physical 45898
adaptations or improvements to the home that are of general 45899
utility or not of direct medical or remedial benefit to the 45900
individual, including such adaptations or improvements as 45901
carpeting, roof repair, and central air conditioning. 45902

(G) "Family support services" means the services provided 45903
under a family support services program operated under section 45904
5126.11 of the Revised Code. 45905

(H) "Habilitation" means the process by which the staff of 45906
the facility or agency assists an individual with mental 45907
retardation or other developmental disability in acquiring and 45908
maintaining those life skills that enable the individual to cope 45909
more effectively with the demands of the individual's own person 45910
and environment, and in raising the level of the individual's 45911
personal, physical, mental, social, and vocational efficiency. 45912
Habilitation includes, but is not limited to, programs of formal, 45913
structured education and training. 45914

(I) "Habilitation center services" means services provided by 45915

a habilitation center certified by the department of mental 45916
retardation and developmental disabilities under section 5123.041 45917
of the Revised Code and covered by the medicaid program pursuant 45918
to rules adopted under section 5111.041 of the Revised Code. 45919

(J) "Home and community-based services" means medicaid-funded 45920
home and community-based services provided under a the medicaid 45921
~~component~~ components the department of mental retardation and 45922
developmental disabilities administers pursuant to section 45923
5111.871 of the Revised Code. 45924

(K) "Medicaid" has the same meaning as in section 5111.01 of 45925
the Revised Code. 45926

(L) "Medicaid case management services" means case management 45927
services provided to an individual with mental retardation or 45928
other developmental disability that the state medicaid plan 45929
requires. 45930

(M) "Mental retardation" means a mental impairment manifested 45931
during the developmental period characterized by significantly 45932
subaverage general intellectual functioning existing concurrently 45933
with deficiencies in the effectiveness or degree with which an 45934
individual meets the standards of personal independence and social 45935
responsibility expected of the individual's age and cultural 45936
group. 45937

(N) "Residential services" means services to individuals with 45938
mental retardation or other developmental disabilities to provide 45939
housing, food, clothing, habilitation, staff support, and related 45940
support services necessary for the health, safety, and welfare of 45941
the individuals and the advancement of their quality of life. 45942
"Residential services" includes program management, as described 45943
in section 5126.14 of the Revised Code. 45944

(O) "Resources" means available capital and other assets, 45945
including moneys received from the federal, state, and local 45946

governments, private grants, and donations; appropriately 45947
qualified personnel; and appropriate capital facilities and 45948
equipment. 45949

(P) "Service and support administration" means the duties 45950
performed by a service and support administrator pursuant to 45951
section 5126.15 of the Revised Code. 45952

(Q)(1) "Specialized medical, adaptive, and assistive 45953
equipment, supplies, and supports" means equipment, supplies, and 45954
supports that enable an individual to increase the ability to 45955
perform activities of daily living or to perceive, control, or 45956
communicate within the environment. 45957

(2) "Specialized medical, adaptive, and assistive equipment, 45958
supplies, and supports" includes the following: 45959

(a) Eating utensils, adaptive feeding dishes, plate guards, 45960
mylatex straps, hand splints, reaches, feeder seats, adjustable 45961
pointer sticks, interpreter services, telecommunication devices 45962
for the deaf, computerized communications boards, other 45963
communication devices, support animals, veterinary care for 45964
support animals, adaptive beds, supine boards, prone boards, 45965
wedges, sand bags, sidelayers, bolsters, adaptive electrical 45966
switches, hand-held shower heads, air conditioners, humidifiers, 45967
emergency response systems, folding shopping carts, vehicle lifts, 45968
vehicle hand controls, other adaptations of vehicles for 45969
accessibility, and repair of the equipment received. 45970

(b) Nondisposable items not covered by medicaid that are 45971
intended to assist an individual in activities of daily living or 45972
instrumental activities of daily living. 45973

(R) "Supportive home services" means a range of services to 45974
families of individuals with mental retardation or other 45975
developmental disabilities to develop and maintain increased 45976
acceptance and understanding of such persons, increased ability of 45977

family members to teach the person, better coordination between 45978
school and home, skills in performing specific therapeutic and 45979
management techniques, and ability to cope with specific 45980
situations. 45981

(S)(1) "Supported living" means services provided for as long 45982
as twenty-four hours a day to an individual with mental 45983
retardation or other developmental disability through any public 45984
or private resources, including moneys from the individual, that 45985
enhance the individual's reputation in community life and advance 45986
the individual's quality of life by doing the following: 45987

(a) Providing the support necessary to enable an individual 45988
to live in a residence of the individual's choice, with any number 45989
of individuals who are not disabled, or with not more than three 45990
individuals with mental retardation and developmental disabilities 45991
unless the individuals are related by blood or marriage; 45992

(b) Encouraging the individual's participation in the 45993
community; 45994

(c) Promoting the individual's rights and autonomy; 45995

(d) Assisting the individual in acquiring, retaining, and 45996
improving the skills and competence necessary to live successfully 45997
in the individual's residence. 45998

(2) "Supported living" includes the provision of all of the 45999
following: 46000

(a) Housing, food, clothing, habilitation, staff support, 46001
professional services, and any related support services necessary 46002
to ensure the health, safety, and welfare of the individual 46003
receiving the services; 46004

(b) A combination of life-long or extended-duration 46005
supervision, training, and other services essential to daily 46006
living, including assessment and evaluation and assistance with 46007

the cost of training materials, transportation, fees, and 46008
supplies; 46009

(c) Personal care services and homemaker services; 46010

(d) Household maintenance that does not include modifications 46011
to the physical structure of the residence; 46012

(e) Respite care services; 46013

(f) Program management, as described in section 5126.14 of 46014
the Revised Code. 46015

Sec. 5126.042. (A) As used in this section+ 46016

~~(1)~~ "Emergency" , "emergency" means any situation that 46017
creates for an individual with mental retardation or developmental 46018
disabilities a risk of substantial self-harm or substantial harm 46019
to others if action is not taken within thirty days. An 46020
"emergency" may include one or more of the following situations: 46021

~~(a)~~(1) Loss of present residence for any reason, including 46022
legal action; 46023

~~(b)~~(2) Loss of present caretaker for any reason, including 46024
serious illness of the caretaker, change in the caretaker's 46025
status, or inability of the caretaker to perform effectively for 46026
the individual; 46027

~~(c)~~(3) Abuse, neglect, or exploitation of the individual; 46028

~~(d)~~(4) Health and safety conditions that pose a serious risk 46029
to the individual or others of immediate harm or death; 46030

~~(e)~~(5) Change in the emotional or physical condition of the 46031
individual that necessitates substantial accommodation that cannot 46032
be reasonably provided by the individual's existing caretaker. 46033

~~(2)~~ "Medicaid" has the same meaning as in section 5111.01 of 46034
the Revised Code. 46035

(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 status and shall establish priorities in accordance with ~~division~~ divisions (D) and (E) of this section.

The individuals who may be placed on a waiting list include individuals with a need for services on an emergency basis and individuals who have requested services for which resources are not available.

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 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 basis.

(C) A county board shall establish a separate waiting list	46067
for each of the following categories of services, and may	46068
establish separate waiting lists within the waiting lists:	46069
(1) Early childhood services;	46070
(2) Educational programs for preschool and school age	46071
children;	46072
(3) Adult services;	46073
(4) Service and support administration;	46074
(5) Residential services and supported living;	46075
(6) Transportation services;	46076
(7) Other services determined necessary and appropriate for	46077
persons with mental retardation or a developmental disability	46078
according to their individual habilitation or service plans;	46079
(8) Family support services provided under section 5126.11 of	46080
the Revised Code.	46081
(D) Except as provided in division (F) (G) of this section, a	46082
county board shall do, as priorities, all of the following in	46083
accordance with the assessment component, approved under section	46084
5123.046 of the Revised Code, of the county board's plan developed	46085
under section 5126.054 of the Revised Code:	46086
(1) For the purpose of obtaining additional federal medicaid	46087
funds for home and community-based services, medicaid case	46088
management services, and habilitation center services, do both of	46089
the following:	46090
(a) Give an individual who is eligible for home and	46091
community-based services and meets both of the following	46092
requirements priority over any other individual on a waiting list	46093
established under division (C) of this section for home and	46094
community-based services that include supported living,	46095

residential services, or family support services:	46096
(i) Is twenty-two years of age or older;	46097
(ii) Receives supported living or family support services.	46098
(b) Give an individual who is eligible for home and	46099
community-based services and meets both of the following	46100
requirements priority over any other individual on a waiting list	46101
established under division (C) of this section for home and	46102
community-based services that include adult services:	46103
(i) Resides in the individual's own home or the home of the	46104
individual's family and will continue to reside in that home after	46105
enrollment in home and community-based services;	46106
(ii) Receives adult services from the county board.	46107
(2) As federal medicaid funds become available pursuant to	46108
division (D)(1) of this section, give an individual who is	46109
eligible for home and community-based services and meets any of	46110
the following requirements priority for such services over any	46111
other individual on a waiting list established under division (C)	46112
of this section:	46113
(a) Does not receive residential services or supported	46114
living, either needs services in the individual's current living	46115
arrangement or will need services in a new living arrangement, and	46116
has a primary caregiver who is sixty years of age or older;	46117
(b) Is less than twenty-two years of age and has at least one	46118
of the following service needs that are unusual in scope or	46119
intensity:	46120
(i) Severe behavior problems for which a behavior support	46121
plan is needed;	46122
(ii) An emotional disorder for which anti-psychotic	46123
medication is needed;	46124
(iii) A medical condition that leaves the individual	46125

dependent on life-support medical technology; 46126

(iv) A condition affecting multiple body systems for which a 46127
combination of specialized medical, psychological, educational, or 46128
habilitation services are needed; 46129

(v) A condition the county board determines to be comparable 46130
in severity to any condition described in division (D)(2)(b)(i) to 46131
(iv) of this section and places the individual at significant risk 46132
of institutionalization. 46133

(c) Is twenty-two years of age or older, does not receive 46134
residential services or supported living, and is determined by the 46135
county board to have intensive needs for home and community-based 46136
services on an in-home or out-of-home basis. 46137

(3) In fiscal years 2002 and 2003, give an individual who is 46138
eligible for home and community-based services, resides in an 46139
intermediate care facility for the mentally retarded or nursing 46140
facility, chooses to move to another setting with the help of home 46141
and community-based services, and has been determined by the 46142
department of mental retardation and developmental disabilities to 46143
be capable of residing in the other setting, priority over any 46144
other individual on a waiting list established under division (C) 46145
of this section for home and community-based services who does not 46146
meet these criteria. The department of mental retardation and 46147
developmental disabilities shall identify the individuals to 46148
receive priority under division (D)(3) of this section, assess the 46149
needs of the individuals, and notify the county boards that are to 46150
provide the individuals priority under division (D)(3) of this 46151
section of the individuals identified by the department and the 46152
individuals' assessed needs. 46153

(E) Except as provided in division (G) of this section and 46154
for a number of years and beginning on a date specified in rules 46155
adopted under division (K) of this section, a county board shall 46156

give an individual who is eligible for home and community-based services, resides in a 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.

(F) If two or more individuals on a waiting list established under division (C) of this section for home and community-based services have priority for the services pursuant to division (D)(1) or (2) or (E) of this section, a county board may use, until December 31, 2003, criteria specified in rules adopted under division ~~(J)~~(K)(2) of this section in determining the order in which the individuals with priority will be offered the services. Otherwise, the county board shall offer the home and community-based services to such individuals in the order they are placed on the waiting list.

~~(F)~~(G)(1) No individual may receive priority for services pursuant to division (D) or (E) 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 four hundred individuals in the state may receive priority for services during the 2002 and 2003 biennium 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.

~~(G)~~(4) No more than forty individuals in the state may receive priority for services pursuant to division (E) of this

section for each year that priority category is in effect as 46188
specified in rules adopted under division (K) of this section. 46189

(H) Prior to establishing any waiting list under this 46190
section, a county board shall develop and implement a policy for 46191
waiting lists that complies with this section and rules adopted 46192
under division ~~(J)~~(K) of this section. 46193

Prior to placing an individual on a waiting list, the county 46194
board shall assess the service needs of the individual in 46195
accordance with all applicable state and federal laws. The county 46196
board shall place the individual on the appropriate waiting list 46197
and may place the individual on more than one waiting list. The 46198
county board shall notify the individual of the individual's 46199
placement and position on each waiting list on which the 46200
individual is placed. 46201

At least annually, the county board shall reassess the 46202
service needs of each individual on a waiting list. If it 46203
determines that an individual no longer needs a program or 46204
service, the county board shall remove the individual from the 46205
waiting list. If it determines that an individual needs a program 46206
or service other than the one for which the individual is on the 46207
waiting list, the county board shall provide the program or 46208
service to the individual or place the individual on a waiting 46209
list for the program or service in accordance with the board's 46210
policy for waiting lists. 46211

When a program or service for which there is a waiting list 46212
becomes available, the county board shall reassess the service 46213
needs of the individual next scheduled on the waiting list to 46214
receive that program or service. If the reassessment demonstrates 46215
that the individual continues to need the program or service, the 46216
board shall offer the program or service to the individual. If it 46217
determines that an individual no longer needs a program or 46218
service, the county board shall remove the individual from the 46219

waiting list. If it determines that an individual needs a program 46220
or service other than the one for which the individual is on the 46221
waiting list, the county board shall provide the program or 46222
service to the individual or place the individual on a waiting 46223
list for the program or service in accordance with the board's 46224
policy for waiting lists. The county board shall notify the 46225
individual of the individual's placement and position on the 46226
waiting list on which the individual is placed. 46227

~~(H)~~(I) A child subject to a determination made pursuant to 46228
section 121.38 of the Revised Code who requires the home and 46229
community-based services provided through ~~the~~ a medicaid component 46230
that the department of mental retardation and developmental 46231
disabilities administers under section 5111.871 of the Revised 46232
Code shall receive services through that medicaid component. For 46233
all other services, a child subject to a determination made 46234
pursuant to section 121.38 of the Revised Code shall be treated as 46235
an emergency by the county boards and shall not be subject to a 46236
waiting list. 46237

~~(I)~~(J) Not later than the fifteenth day of March of each 46238
even-numbered year, each county board shall prepare and submit to 46239
the director of mental retardation and developmental disabilities 46240
its recommendations for the funding of services for individuals 46241
with mental retardation and developmental disabilities and its 46242
proposals for reducing the waiting lists for services. 46243

~~(J)~~(K)(1) The department of mental retardation and 46244
developmental disabilities shall adopt rules in accordance with 46245
Chapter 119. of the Revised Code governing waiting lists 46246
established under this section. The rules shall include procedures 46247
to be followed to ensure that the due process rights of 46248
individuals placed on waiting lists are not violated. 46249

(2) As part of the rules adopted under this division, the 46250
department shall adopt, ~~not later than December 31, 2001,~~ rules 46251

establishing criteria a county board may use under division ~~(E)~~(F) 46252
of this section in determining the order in which individuals with 46253
priority for home and community-based services will be offered the 46254
services. The rules shall also specify conditions under which a 46255
county board, when there is no individual with priority for home 46256
and community-based services pursuant to division (D)(1) or (2) or 46257
(E) of this section available and appropriate for the services, 46258
may offer the services to an individual on a waiting list for the 46259
services but not given such priority for the services. The rules 46260
adopted under division ~~(J)~~(K)(2) of this section shall cease to 46261
have effect December 31, 2003. 46262

~~(K)~~(3) As part of the rules adopted under this division, the 46263
department shall adopt rules specifying both of the following for 46264
the priority category established under division (E) of this 46265
section: 46266

(a) The number of years, which shall not exceed five, that 46267
the priority category will be in effect; 46268

(b) The date that the priority category is to go into effect. 46269

(L) The following shall take precedence over the applicable 46270
provisions of this section: 46271

(1) Medicaid rules and regulations; 46272

(2) Any specific requirements that may be contained within a 46273
medicaid state plan amendment or waiver program that a county 46274
board has authority to administer or with respect to which it has 46275
authority to provide services, programs, or supports. 46276

Sec. 5126.12. (A) As used in this section: 46277

(1) "Approved school age class" means a class operated by a 46278
county board of mental retardation and developmental disabilities 46279
and funded by the department of education under section 3317.20 of 46280
the Revised Code. 46281

(2) "Approved preschool unit" means a class or unit operated 46282
by a county board of mental retardation and developmental 46283
disabilities and approved ~~by the state board of education~~ under 46284
division (B) of section 3317.05 of the Revised Code. 46285

(3) "Active treatment" means a continuous treatment program, 46286
which includes aggressive, consistent implementation of a program 46287
of specialized and generic training, treatment, health services, 46288
and related services, that is directed toward the acquisition of 46289
behaviors necessary for an individual with mental retardation or 46290
other developmental disability to function with as much 46291
self-determination and independence as possible and toward the 46292
prevention of deceleration, regression, or loss of current optimal 46293
functional status. 46294

(4) "Eligible for active treatment" means that an individual 46295
with mental retardation or other developmental disability resides 46296
in an intermediate care facility for the mentally retarded 46297
certified under Title XIX of the "Social Security Act," 49 79 46298
Stat. ~~620 286~~ (~~1935 1965~~), 42 U.S.C. ~~301 1396~~, as amended; resides 46299
in a state institution operated by the department of mental 46300
retardation and developmental disabilities; or is enrolled in a 46301
home and community-based services waiver program ~~administered by~~ 46302
~~the department of mental retardation and developmental~~ 46303
~~disabilities as part of the medical assistance program established~~ 46304
~~under section 5111.01 of the Revised Code.~~ 46305

(5) "Community alternative funding system" means the program 46306
under which habilitation center services are reimbursed under the 46307
medicaid program pursuant to section 5111.041 of the Revised Code 46308
and rules adopted under that section. 46309

(6) "Traditional adult services" means vocational and 46310
nonvocational activities conducted within a sheltered workshop or 46311
adult activity center or supportive home services. 46312

(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:	46313 46314 46315
(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:	46316 46317 46318
(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;	46319 46320 46321 46322
(b) Special education for handicapped children in approved school age classes;	46323 46324
(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:	46325 46326 46327 46328
(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;	46329 46330 46331
(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment under the community alternative funding system;	46332 46333 46334
(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment under the community alternative funding system;	46335 46336 46337
(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.	46338 46339 46340 46341
(d) Other programs in the county for individuals with mental	46342

retardation and developmental disabilities that have been approved 46343
for payment of subsidy by the department of mental retardation and 46344
developmental disabilities. 46345

The membership in each such program and service in the county 46346
shall be reported on forms prescribed by the department of mental 46347
retardation and developmental disabilities. 46348

The department of mental retardation and developmental 46349
disabilities shall adopt rules defining full-time equivalent 46350
enrollees and for determining the average daily membership 46351
therefrom, except that certification of average daily membership 46352
in approved school age classes shall be in accordance with rules 46353
adopted by the state board of education. The average daily 46354
membership figure shall be determined by dividing the amount 46355
representing the sum of the number of enrollees in each program or 46356
service in the week for which the certification is made by the 46357
number of days the program or service was offered in that week. No 46358
enrollee may be counted in average daily membership for more than 46359
one program or service. 46360

(2) By the fifteenth day of December, the number of children 46361
enrolled in approved preschool units on the first day of December; 46362

(3) On or before the thirtieth day of March, an itemized 46363
report of all income and operating expenditures for the 46364
immediately preceding calendar year, in the format specified by 46365
the department of mental retardation and developmental 46366
disabilities; 46367

(4) By the fifteenth day of February, a report of the total 46368
annual cost per enrollee for operation of programs and services in 46369
the preceding calendar year. The report shall include a grand 46370
total of all programs operated, the cost of the individual 46371
programs, and the sources of funds applied to each program. 46372

(5) That each required certification and report is in 46373

accordance with rules established by the department of mental 46374
retardation and developmental disabilities and the state board of 46375
education for the operation and subsidization of the programs and 46376
services. 46377

(C) To compute payments under this section to the board for 46378
the fiscal year, the department of mental retardation and 46379
developmental disabilities shall use the certification of average 46380
daily membership required by division (B)(1) of this section 46381
exclusive of the average daily membership in any approved school 46382
age class and the number in any approved preschool unit. 46383

(D) The department shall pay each county board for each 46384
fiscal year an amount equal to nine hundred fifty dollars times 46385
the certified number of persons who on the first day of December 46386
of the academic year are under three years of age and are not in 46387
an approved preschool unit. For persons who are at least age 46388
sixteen and are not in an approved school age class, the 46389
department shall pay each county board for each fiscal year the 46390
following amounts: 46391

(1) One thousand dollars times the certified average daily 46392
membership of persons enrolled in traditional adult services who 46393
are eligible for but not enrolled in active treatment under the 46394
community alternative funding system; 46395

(2) One thousand two hundred dollars times the certified 46396
average daily membership of persons enrolled in traditional adult 46397
services who are eligible for and enrolled in active treatment 46398
under the community alternative funding system; 46399

(3) No less than one thousand five hundred dollars times the 46400
certified average daily membership of persons enrolled in 46401
traditional adult services but who are not eligible for active 46402
treatment under the community alternative funding system; 46403

(4) No less than one thousand five hundred dollars times the 46404

certified average daily membership of persons participating in 46405
community employment services. 46406

(E) The department shall distribute this subsidy to county 46407
boards in semiannual installments of equal amounts. The 46408
installments shall be made not later than the thirty-first day of 46409
August and the thirty-first day of January. 46410

(F) The director of mental retardation and developmental 46411
disabilities shall make efforts to obtain increases in the 46412
subsidies for early childhood services and adult services so that 46413
the amount of the subsidies is equal to at least fifty per cent of 46414
the statewide average cost of those services minus any applicable 46415
federal reimbursements for those services. The director shall 46416
advise the director of budget and management of the need for any 46417
such increases when submitting the biennial appropriations request 46418
for the department. 46419

(G) In determining the reimbursement of a county board for 46420
the provision of service and support administration, family 46421
support services, and other services required or approved by the 46422
director for which children three through twenty-one years of age 46423
are eligible, the department shall include the average daily 46424
membership in approved school age or preschool units. The 46425
department, in accordance with this section and upon receipt and 46426
approval of the certification required by this section and any 46427
other information it requires to enable it to determine a board's 46428
payments, shall pay the agency providing the specialized training 46429
the amounts payable under this section. 46430

Sec. 5139.01. (A) As used in this chapter: 46431

(1) "Commitment" means the transfer of the physical custody 46432
of a child or youth from the court to the department of youth 46433
services. 46434

(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services. 46435
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(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in 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. 46437
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(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and custody of felony delinquents. 46452
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(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks. 46458
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(6) "Placement" means the conditional release of a child under the terms and conditions that are specified by the department of youth services. The department shall retain legal custody of a child released pursuant to division (C) of section 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 46460
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until the legal custody is terminated as otherwise provided by 46466
law. 46467

(7) "Home placement" means the placement of a child in the 46468
home of the child's parent or parents or in the home of the 46469
guardian of the child's person. 46470

(8) "Discharge" means that the department of youth services' 46471
legal custody of a child is terminated. 46472

(9) "Release" means the termination of a child's stay in an 46473
institution and the subsequent period during which the child 46474
returns to the community under the terms and conditions of 46475
supervised release. 46476

(10) "Delinquent child" has the same meaning as in section 46477
2152.02 of the Revised Code. 46478

(11) "Felony delinquent" means any child who is at least 46479
twelve years of age but less than eighteen years of age and who is 46480
adjudicated a delinquent child for having committed an act that if 46481
committed by an adult would be a felony. "Felony delinquent" 46482
includes any adult who is between the ages of eighteen and 46483
twenty-one and who is in the legal custody of the department of 46484
youth services for having committed an act that if committed by an 46485
adult would be a felony. 46486

(12) "Juvenile traffic offender" has the same meaning as in 46487
section 2152.02 of the Revised Code. 46488

(13) "Public safety beds" means all of the following: 46489

(a) Felony delinquents who have been committed to the 46490
department of youth services for the commission of an act, other 46491
than a violation of section 2911.01 or 2911.11 of the Revised 46492
Code, that is a category one offense or a category two offense and 46493
who are in the care and custody of an institution or have been 46494
diverted from care and custody in an institution and placed in a 46495

community corrections facility;	46496
(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;	46497 46498 46499 46500 46501 46502
(c) Children who satisfy all of the following:	46503
(i) They are at least twelve years of age but less than eighteen years of age.	46504 46505
(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.	46506 46507
(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.	46508 46509 46510 46511
(iv) They are in the care and custody of an institution or a community corrections facility.	46512 46513
(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.	46514 46515 46516 46517 46518 46519 46520 46521
(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	46522 46523 46524 46525

of the Revised Code, that would be a category one offense or 46526
category two offense if committed by an adult. 46527

(f) Felony delinquents who are described in divisions 46528
(A)(13)(a) to (e) of this section, who have been granted a 46529
judicial release to court supervision under division (B) of 46530
section 2152.22 of the Revised Code or a judicial release to the 46531
department of youth services supervision under division (C) of 46532
that section from the commitment to the department of youth 46533
services for the act described in divisions (A)(13)(a) to (e) of 46534
this section, who have violated the terms and conditions of that 46535
release, and who, pursuant to an order of the court of the county 46536
in which the particular felony delinquent was placed on release 46537
that is issued pursuant to division (D) of section 2152.22 of the 46538
Revised Code, have been returned to the department for 46539
institutionalization or institutionalization in a secure facility. 46540

(g) Felony delinquents who have been committed to the custody 46541
of the department of youth services, who have been granted 46542
supervised release from the commitment pursuant to section 5139.51 46543
of the Revised Code, who have violated the terms and conditions of 46544
that supervised release, and who, pursuant to an order of the 46545
court of the county in which the particular child was placed on 46546
supervised release issued pursuant to division (F) of section 46547
5139.52 of the Revised Code, have had the supervised release 46548
revoked and have been returned to the department for 46549
institutionalization. A felony delinquent described in this 46550
division shall be a public safety bed only for the time during 46551
which the felony delinquent is institutionalized as a result of 46552
the revocation subsequent to the initial thirty-day period of 46553
institutionalization required by division (F) of section 5139.52 46554
of the Revised Code. 46555

(14) "State target youth" means twenty-five per cent of the 46556
projected total number of felony delinquents for each year of a 46557

biennium, factoring in revocations and recommitments. 46558

(15) Unless the context requires a different meaning, 46559
"community corrections facility" means a county or multicounty 46560
rehabilitation center for felony delinquents who have been 46561
committed to the department of youth services and diverted from 46562
care and custody in an institution and placed in the 46563
rehabilitation center pursuant to division (E) of section 5139.36 46564
of the Revised Code. 46565

(16) "Secure facility" means any facility that is designed 46566
and operated to ensure that all of its entrances and exits are 46567
under the exclusive control of its staff and to ensure that, 46568
because of that exclusive control, no child who has been 46569
institutionalized in the facility may leave the facility without 46570
permission or supervision. 46571

(17) "Community residential program" means a program that 46572
satisfies both of the following: 46573

(a) It is housed in a building or other structure that has no 46574
associated major restraining construction, including, but not 46575
limited to, a security fence. 46576

(b) It provides twenty-four-hour care, supervision, and 46577
programs for felony delinquents who are in residence. 46578

(18) "Category one offense" and "category two offense" have 46579
the same meanings as in section 2151.26 of the Revised Code. 46580

(19) "Disciplinary time" means additional time that the 46581
department of youth services requires a felony delinquent to serve 46582
in an institution, that delays the person's or felony delinquent's 46583
planned release, and that the department imposes upon the person 46584
or felony delinquent following the conduct of an internal due 46585
process hearing for having committed any of the following acts 46586
while committed to the department and in the care and custody of 46587
an institution: 46588

(a) An act that if committed by an adult would be a felony;	46589
(b) An act that if committed by an adult would be a misdemeanor;	46590 46591
(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.	46592 46593 46594
(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	46595 46596
(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.	46597 46598 46599 46600
(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	46601 46602 46603
(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.	46604 46605 46606 46607 46608 46609
(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.	46610 46611 46612 46613 46614 46615
(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	46616 46617 46618

Revised Code, to represent the victim with respect to proceedings 46619
of the release authority of the department of youth services and 46620
with respect to other matters specified in that section. 46621

(26) "Member of the victim's family" means a spouse, child, 46622
stepchild, sibling, parent, stepparent, grandparent, other 46623
relative, or legal guardian of a child but does not include a 46624
person charged with, convicted of, or adjudicated a delinquent 46625
child for committing a criminal or delinquent act against the 46626
victim or another criminal or delinquent act arising out of the 46627
same conduct, criminal or delinquent episode, or plan as the 46628
criminal or delinquent act committed against the victim. 46629

(27) "Judicial release to court supervision" means a release 46630
of a child from institutional care or institutional care in a 46631
secure facility that is granted by a court pursuant to division 46632
(B) of section 2152.22 of the Revised Code during the period 46633
specified in that division. 46634

(28) "Judicial release to department of youth services 46635
supervision" means a release of a child from institutional care or 46636
institutional care in a secure facility that is granted by a court 46637
pursuant to division (C) of section 2152.22 of the Revised Code 46638
during the period specified in that division. 46639

(29) "Juvenile justice system" includes all of the functions 46640
of the juvenile courts, the department of youth services, any 46641
public or private agency whose purposes include the prevention of 46642
delinquency or the diversion, adjudication, detention, or 46643
rehabilitation of delinquent children, and any of the functions of 46644
the criminal justice system that are applicable to children. 46645

(30) "Metropolitan county criminal justice services agency" 46646
means an agency that is established pursuant to division (A) of 46647
section ~~181.54~~ 109.983 of the Revised Code. 46648

(31) "Administrative planning district" means a district that 46649

is established pursuant to division (A) or (B) of section 181.56 46650
of the Revised Code. 46651

(32) "Criminal justice coordinating council" means a criminal 46652
justice services agency that is established pursuant to division 46653
(D) of section ~~181.56~~ 109.985 of the Revised Code. 46654

(33) "Comprehensive plan" means a document that coordinates, 46655
evaluates, and otherwise assists, on an annual or multi-year 46656
basis, all of the functions of the juvenile justice systems of the 46657
state or a specified area of the state, that conforms to the 46658
priorities of the state with respect to juvenile justice systems, 46659
and that conforms with the requirements of all federal criminal 46660
justice acts. These functions include, but are not limited to, all 46661
of the following: 46662

(a) Delinquency; 46663

(b) Identification, detection, apprehension, and detention of 46664
persons charged with delinquent acts; 46665

(c) Assistance to crime victims or witnesses, except that the 46666
comprehensive plan does not include the functions of the attorney 46667
general pursuant to sections 109.91 and 109.92 of the Revised 46668
Code; 46669

(d) Adjudication or diversion of persons charged with 46670
delinquent acts; 46671

(e) Custodial treatment of delinquent children; 46672

(f) Institutional and noninstitutional rehabilitation of 46673
delinquent children. 46674

(B) There is hereby created the department of youth services. 46675
The governor shall appoint the director of the department with the 46676
advice and consent of the senate. The director shall hold office 46677
during the term of the appointing governor but subject to removal 46678
at the pleasure of the governor. Except as otherwise authorized in 46679

section 108.05 of the Revised Code, the director shall devote the 46680
director's entire time to the duties of the director's office and 46681
shall hold no other office or position of trust or profit during 46682
the director's term of office. 46683

The director is the chief executive and administrative 46684
officer of the department and has all the powers of a department 46685
head set forth in Chapter 121. of the Revised Code. The director 46686
may adopt rules for the government of the department, the conduct 46687
of its officers and employees, the performance of its business, 46688
and the custody, use, and preservation of the department's 46689
records, papers, books, documents, and property. The director 46690
shall be an appointing authority within the meaning of Chapter 46691
124. of the Revised Code. Whenever this or any other chapter or 46692
section of the Revised Code imposes a duty on or requires an 46693
action of the department, the duty or action shall be performed by 46694
the director or, upon the director's order, in the name of the 46695
department. 46696

Sec. 5139.36. (A) In accordance with this section and the 46697
rules adopted under it and from funds appropriated to the 46698
department of youth services for the purposes of this section, the 46699
department shall make grants that provide financial resources to 46700
operate community corrections facilities for felony delinquents. 46701

(B)(1) Each community corrections facility that intends to 46702
seek a grant under this section shall file an application with the 46703
department of youth services at the time and in accordance with 46704
the procedures that the department shall establish by rules 46705
adopted in accordance with Chapter 119. of the Revised Code. In 46706
addition to other items required to be included in the 46707
application, a plan that satisfies both of the following shall be 46708
included: 46709

(a) It reduces the number of felony delinquents committed to 46710

the department from the county or counties associated with the 46711
community corrections facility. 46712

(b) It ensures equal access for minority felony delinquents 46713
to the programs and services for which a potential grant would be 46714
used. 46715

(2) The department of youth services shall review each 46716
application submitted pursuant to division (B)(1) of this section 46717
to determine whether the plan described in that division, the 46718
community corrections facility, and the application comply with 46719
this section and the rules adopted under it. 46720

(C) To be eligible for a grant under this section and for 46721
continued receipt of moneys comprising a grant under this section, 46722
a community corrections facility shall satisfy at least all of the 46723
following requirements: 46724

(1) Be constructed, reconstructed, improved, or financed by 46725
the Ohio building authority pursuant to section 307.021 of the 46726
Revised Code and Chapter 152. of the Revised Code for the use of 46727
the department of youth services and be designated as a community 46728
corrections facility; 46729

(2) Have written standardized criteria governing the types of 46730
felony delinquents that are eligible for the programs and services 46731
provided by the facility; 46732

(3) Have a written standardized intake screening process and 46733
an intake committee that at least performs both of the following 46734
tasks: 46735

(a) Screens all eligible felony delinquents who are being 46736
considered for admission to the facility in lieu of commitment to 46737
the department; 46738

(b) Notifies, within ten days after the date of the referral 46739
of a felony delinquent to the facility, the committing court 46740

whether the felony delinquent will be admitted to the facility. 46741

(4) Comply with all applicable fiscal and program rules that 46742
the department adopts in accordance with Chapter 119. of the 46743
Revised Code and demonstrate that felony delinquents served by the 46744
facility have been or will be diverted from a commitment to the 46745
department. 46746

(D) The department of youth services shall determine the 46747
method of distribution of the funds appropriated for grants under 46748
this section to community corrections facilities. 46749

~~(E) With the consent of a committing court and of a community 46750
corrections facility that has received a grant under this section, 46751
the department of youth services may place in that facility a 46752
felony delinquent who has been committed to the department. During 46753
the period in which the felony delinquent is in that facility, the 46754
felony delinquent~~ (1) The department of youth services shall adopt 46755
rules in accordance with Chapter 119. of the Revised Code to 46756
establish the minimum occupancy threshold of community corrections 46757
facilities. 46758

(2) The department may make referrals for the placement of 46759
children in its custody to a community corrections facility if the 46760
community corrections facility is not meeting the minimum 46761
occupancy threshold established by the department. At least 46762
forty-five days prior to the referral of a child, the department 46763
shall notify the committing court of its intent to place the child 46764
in a community corrections facility. The court shall have thirty 46765
days after the receipt of the notice to approve or disapprove the 46766
placement. If the court does not respond to the notice of the 46767
placement within that thirty-day period, the department shall 46768
proceed with the placement and debit the county in accordance with 46769
sections 5139.41 to 5139.45 of the Revised Code. A child placed in 46770
a community corrections facility pursuant to this division shall 46771
remain in the legal custody of the department of youth services 46772

during the period in which the child is in the community 46773
corrections facility. 46774

(3) Counties that are not associated with a community 46775
corrections facility may refer children to a community corrections 46776
facility with the consent of the facility. The department of youth 46777
services shall debit the county that makes the referral in 46778
accordance with sections 5139.41 to 5139.45 of the Revised Code. 46779

(F) If the board or other governing body of a community 46780
corrections facility establishes an advisory board, the board or 46781
other governing authority of the community corrections facility 46782
shall reimburse the members of the advisory board for their actual 46783
and necessary expenses incurred in the performance of their 46784
official duties on the advisory board. The members of advisory 46785
boards shall serve without compensation. 46786

Sec. 5139.87. (A) The department of youth services shall 46787
serve as the state agent for the administration of all federal 46788
juvenile justice grants awarded to the state. 46789

(B) There are hereby created in the state treasury the 46790
federal juvenile justice programs funds. A separate fund shall be 46791
established each federal fiscal year. All federal grants and other 46792
moneys received for federal juvenile programs shall be deposited 46793
into the funds. All receipts deposited into the funds shall be 46794
used for federal juvenile programs. All investment earnings on the 46795
cash balance in a federal juvenile program fund shall be credited 46796
to that fund for the appropriate federal fiscal year. 46797

(C) All rules, orders, and determinations of the office of 46798
criminal justice services regarding the administration of federal 46799
juvenile justice grants that are in effect on the effective date 46800
of this amendment shall continue in effect as rules, orders, and 46801
determinations of the department of youth services. 46802

Sec. 5153.163. (A) As used in this section, "adoptive parent" 46803
means, as the context requires, a prospective adoptive parent or 46804
an adoptive parent. 46805

(B)(1) ~~If Before a child's adoption is finalized, a public 46806
children services agency considers a child with special needs 46807
residing in the county served by the agency to be in need of 46808
public care or protective services and all of the following apply, 46809
the agency shall enter into an agreement with the child's adoptive 46810
parent ~~before the child is adopted~~ under which the agency shall 46811
make state adoption maintenance subsidy payments as needed on 46812
behalf of the child when all of the following apply: 46813~~

(a) The child is a child with special needs. 46814

(b) The child was placed in the adoptive home by a public 46815
children services agency or a private child placing agency and may 46816
legally be adopted. 46817

(c) The adoptive parent has the capability of providing the 46818
permanent family relationships needed by the child ~~in all areas~~ 46819
~~except financial need as determined by the agency;.~~ 46820

~~(b)(d)~~ The needs of the child are beyond the economic 46821
resources of the adoptive parent ~~as determined by the agency;.~~ 46822

~~(e) The agency determines the acceptance~~ (e) Acceptance of 46823
the child as a member of the adoptive parent's family would not be 46824
in the child's best interest without payments on the child's 46825
behalf under this section. 46826

~~(2) Payments to an adoptive parent under division (B) of this 46827
section shall include medical, surgical, psychiatric, 46828
psychological, and counseling expenses, and may include 46829
maintenance costs if necessary and other costs incidental to the 46830
care of the child. No payment of maintenance costs shall be made 46831
under division (B) of this section on behalf of a child if either 46832~~

~~of the following apply:~~ 46833

~~(a)(f)~~ The gross income of the adoptive parent's family 46834
~~exceeds~~ does not exceed one hundred twenty per cent of the median 46835
income of a family of the same size, including the child, as most 46836
recently determined for this state by the secretary of health and 46837
human services under Title XX of the "Social Security Act," 88 46838
Stat. 2337, 42 U.S.C.A. 1397, as amended. 46839

~~(b)(g)~~ The child is not eligible for adoption assistance 46840
payments ~~for maintenance costs~~ under Title IV-E of the "Social 46841
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 46842

(2) State adoption maintenance subsidy payment agreements 46843
must be made by either the public children services agency that 46844
has permanent custody of the child or the public children services 46845
agency of the county in which the private child placing agency 46846
that has permanent custody of the child is located. 46847

(3) State adoption maintenance subsidy payments shall be made 46848
in accordance with the agreement between the public children 46849
services agency and the adoptive parent and are subject to an 46850
annual redetermination of need. 46851

(4) Payments under this division ~~(B) of this section~~ may 46852
begin either before or after issuance of the final adoption 46853
decree, except that payments made before issuance of the final 46854
adoption decree may be made only while the child is living in the 46855
adoptive parent's home. Preadoption payments may be made for not 46856
more than twelve months, unless the final adoption decree is not 46857
issued within that time because of a delay in court proceedings. 46858
Payments that begin before issuance of the final adoption decree 46859
may continue after its issuance. 46860

(C)(1) If, after the child's adoption is finalized, a public 46861
children services agency considers a child residing in the county 46862
served by the agency to be in need of public care or protective 46863

services and both of the following apply, the agency may, ~~and~~ to 46864
the extent state funds are appropriated for this purpose ~~shall~~, 46865
enter into an agreement with the child's adoptive parent ~~after the~~ 46866
~~child is adopted~~ under which the agency shall make post adoption 46867
special services subsidy payments on behalf of the child as 46868
needed: 46869

~~(1)(a)~~ The child has a physical or developmental handicap or 46870
mental or emotional condition that either: 46871

~~(a)(i)~~ Existed before the adoption petition was filed; 46872

~~(b)(ii)~~ Developed after the adoption petition was filed and 46873
can be directly attributed to factors in the child's preadoption 46874
background, medical history, or biological family's background or 46875
medical history. 46876

~~(2)(b)~~ The agency determines the expenses necessitated by the 46877
child's handicap or condition are beyond the adoptive parent's 46878
economic resources. 46879

~~Payments to an adoptive parent~~ (2) Services for which a 46880
public children services agency may make post adoption special 46881
services subsidy payments on behalf of a child under this division 46882
shall include medical, surgical, psychiatric, psychological, and 46883
counseling ~~expenses~~ services, including residential treatment. 46884

(3) The department of job and family services shall establish 46885
clinical standards to evaluate a child's physical or developmental 46886
handicap or mental or emotional condition and assess the child's 46887
need for services. 46888

(4) The total dollar value of post adoption special services 46889
subsidy payments made on a child's behalf shall not exceed ten 46890
thousand dollars in any fiscal year, unless the department 46891
determines that extraordinary circumstances exist that necessitate 46892
further funding of services for the child. Under such 46893
extraordinary circumstances, the value of the payments made on the 46894

child's behalf shall not exceed fifteen thousand dollars in any 46895
fiscal year. 46896

(5) The adoptive parent or parents of a child who receives 46897
post adoption special services subsidy payments shall pay at least 46898
five per cent of the total cost of all services provided to the 46899
child. 46900

(6) A public children services agency may use other sources 46901
of revenue to make post adoption special services subsidy 46902
payments, in addition to any state funds appropriated for that 46903
purpose. 46904

(D) No payment shall be made under division (B) or (C) of 46905
this section on behalf of any person eighteen years of age or 46906
older or, if mentally or physically handicapped, twenty-one years 46907
of age or older. ~~Payments under those divisions shall be made in~~ 46908
~~accordance with the terms of the agreement between the public~~ 46909
~~children services agency and the adoptive parent, subject to an~~ 46910
~~annual redetermination of need. The agency may use sources of~~ 46911
~~funding in addition to any state funds appropriated for the~~ 46912
~~purposes of those divisions.~~ 46913

(E) The director of job and family services shall adopt rules 46914
in accordance with Chapter 119. of the Revised Code that are 46915
needed to implement this section. The rules shall establish all of 46916
the following: 46917

(1) The application process for ~~payments~~ all forms of 46918
assistance provided under this section; 46919

(2) The method to determine the ~~amounts and kinds~~ amount of 46920
assistance payable under division (B) of this section; 46921

(3) The definition of "child with special needs" for this 46922
section; 46923

(4) The process whereby a child's continuing need for 46924

services provided under division (B) of this section is annually redetermined; 46925
46926

(5) The method of determining the amount, duration, and scope of services provided to a child under division (C) of this section; 46927
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(6) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 46930
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~~The rules shall allow for payments for children placed by nonpublic agencies.~~ 46932
46933

~~(E)(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.~~ 46934
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(G) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person listed pursuant to division (B), (C), or (D) of section 5103.154 of the Revised Code, including the impossibility of entering into a payment agreement with such a person. The agency so maintaining such a child shall report its reasons for doing so to the department of job and family services. 46942
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~~No agency that fails to so determine, redetermine, and report~~ 46955

~~shall receive more than fifty per cent of the state funds to which 46956
it would otherwise be eligible for that part of the fiscal year 46957
following placement under section 5101.14 of the Revised Code. 46958~~

The department may take any action permitted under section 46959
5101.24 of the Revised Code for an agency's failure to determine, 46960
redetermine, and report on a child's status. 46961

Sec. 5153.60. (A) The department of job and family services 46962
shall establish a statewide program that provides ~~the~~ all of the 46963
following: 46964

(1) The training section 5153.122 of the Revised Code 46965
requires public children services agency caseworkers and 46966
supervisors to complete. ~~The program may also provide the;~~ 46967

(2) The preplacement and continuing training described in 46968
sections 5103.034, 5103.039, 5103.0310, and 5103.0311 of the 46969
Revised Code that foster caregivers are required by sections 46970
5103.031, 5103.032, and 5103.033 of the Revised Code to obtain- 46971
~~The;~~ 46972

(3) The education programs for adoption assessors required by 46973
section 3107.014 of the Revised Code. 46974

(B) The training described in division (A)(3) of this section 46975
shall be conducted in accordance with rules adopted under section 46976
3107.015 of the Revised Code. 46977

(C) The program established pursuant to division (A) of this 46978
section shall be called the "Ohio child welfare training program." 46979

Sec. 5153.69. The training program steering committee shall 46980
monitor and evaluate the Ohio child welfare training program to 46981
ensure the following: 46982

(A) That the Ohio child welfare training program is a 46983
competency-based training system that satisfies the training 46984

requirements for public children services agency caseworkers and 46985
supervisors under section 5153.122 of the Revised Code; 46986

(B) That, ~~if~~ the Ohio child welfare training program provides 46987
preplacement or continuing training for foster caregivers, ~~it as~~ 46988
required by section 5153.60 of the Revised Code that meets the 46989
~~same~~ requirements ~~that~~ preplacement training programs and 46990
continuing training programs must meet pursuant to section 46991
5103.038 of the Revised Code to obtain approval by the department 46992
of job and family services, except that the Ohio child welfare 46993
training program is not required to obtain department approval. 46994

Sec. 5153.72. Prior to the beginning of the fiscal biennium 46995
that first follows ~~the effective date of this section~~ October 5, 46996
2000, the public children services agencies of Athens, Cuyahoga, 46997
Franklin, Greene, Guernsey, Hamilton, Lucas, and Summit counties 46998
shall each establish and maintain a regional training center. At 46999
any time after the beginning of that biennium, the department of 47000
job and family services, on the recommendation of the training 47001
program steering committee, may direct a public children services 47002
agency to establish and maintain a training center to replace the 47003
center established by an agency under this section. There may be 47004
no more and no less than eight centers in existence at any time. 47005
The department may make a grant to a public children services 47006
agency that establishes and maintains a regional training center 47007
under this section for the purpose of wholly or partially 47008
subsidizing the operation of the center. 47009

Sec. 5153.78. (A) As used in this section: 47010

(1) "Title IV-B" means Title IV-B of the "Social Security Act 47011
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 47012

(2) "Title IV-E" means Title IV-E of the "Social Security 47013
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 47014

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 47015
47016

(B) For purposes of adequately funding the Ohio child welfare training program, the department of job and family services may use any of the following: 47017
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47019

(1) The federal financial participation funds withheld pursuant to division ~~(D)~~ (E) of section 5101.141 of the Revised Code in an amount determined by the department; 47020
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47022

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 47023
47024

(3) Other available state or federal funds. 47025

Sec. 5310.15. On filing an application for registration, the applicant shall pay to the clerk of the probate court or the clerk of the court of common pleas ten dollars, which is full payment for all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant, except a guardian ad litem, on entering ~~his~~ an appearance by filing a pleading of any kind, shall pay to the clerk five dollars, which is full payment for all clerk's fees on behalf of such defendant. When any number of defendants enter their appearance at the same time in one pleading by filing a pleading of any kind, one fee shall be paid. 47026
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Every required publication in a newspaper shall be paid for by the party on whose application the order of publication is made, in addition to the fees prescribed in the first paragraph of this section. The party at whose request, or on whose behalf, any notice is issued, shall pay for the service of such notice except when such notice is sent by mail by the clerk or the county recorder. 47036
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Examiners of titles shall receive for examining title or original reference, and making report on all matters arising under 47043
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the application, including final certificate as to all necessary 47045
parties being made and properly brought before the probate court 47046
or the court of common pleas, and as to the proceedings being 47047
regular and legal, one half of one per cent of the appraised tax 47048
value, the fee in no case to be less than seventy-five or more 47049
than two hundred fifty dollars, for each separate and distinct 47050
parcel of land included in the application although made up of 47051
more than one tract. 47052

Upon a reference to an examiner of titles or to any other 47053
person upon a hearing to take evidence and make report to the 47054
court, the fee of the referee shall be fixed by the court at not 47055
more than fifteen dollars per day for the time actually employed. 47056

For a certificate of an examiner of titles that all necessary 47057
parties are before the court, and the proceedings are regular and 47058
legal in a suit for partition, foreclosure of mortgage, 47059
marshalling of liens, or other suit or proceeding affecting the 47060
title of any interest in, or lien or charge upon registered lands, 47061
the fees shall be fixed by the court, and shall not be more than 47062
twenty-five dollars for each separate and distinct parcel of land 47063
included in the petition or application although such parcel is 47064
made up of more than one tract. 47065

Guardians for the suit in original registration shall receive 47066
three dollars when there is no contest in which the guardian 47067
participates. In other cases such guardians shall receive such 47068
fees as the court fixes, but not more than twenty-five dollars. 47069

For certifying pending suits, judgments, liens, attachments, 47070
executions, or levies, the officers certifying them to the 47071
recorder shall receive a fee of twenty-five cents to be paid by 47072
the party interested and taxed in the costs of the case. 47073

For serving summons, notice, or other paper provided for in 47074
sections 5309.02 to 5310.21 of the Revised Code, the sheriff or 47075

other officer shall receive the same fees as in other similar cases. 47076
47077

The recorder shall receive the following fees, to include 47078
base fees for services and housing trust fund fees pursuant to 47079
section 317.36 of the Revised Code: 47080

(A) For original registration of title, issuing duplicate 47081
certificate, entering memorials and memorandums, as directed by 47082
the decree, and indexing it, a base fee of thirty dollars and a 47083
housing trust fund fee of thirty dollars; 47084

(B) For examining and registering each transfer of registered 47085
land, including the filing of all papers therewith, entering 47086
memorials, issuing new duplicate certificate of title and indexing 47087
it, a base fee of thirty dollars and a housing trust fund fee of 47088
thirty dollars for the first distinct body or parcel of land 47089
contained in such certificate, and a base fee of two dollars and a 47090
housing trust fund fee of two dollars for each additional distinct 47091
body or parcel of land contained in such certificate; 47092

(C) For filing, examining, and entering a memorial of each 47093
mortgage or lease, upon registered land, and indexing it, for each 47094
separately registered parcel, a base fee of ten dollars and a 47095
housing trust fund fee of ten dollars; 47096

(D) For filing, examining, and entering a memorial of each 47097
lien, charge, or demand upon registered land, and indexing it, for 47098
each separately registered parcel of land, a base fee of five 47099
dollars and a housing trust fund fee of five dollars; 47100

(E) For cancellation of any memorial or memorandum, a base 47101
fee of five dollars and a housing trust fund fee of five dollars; 47102
for entry of change of address, or notice of dower, for each 47103
separately registered parcel, a base fee of five dollars and a 47104
housing trust fund fee of five dollars; 47105

(F) For each certified copy of a registered certificate, or 47106

issuing a mortgagee's duplicate certificate, or issuing a new 47107
owner's duplicate certificate to replace one which has been lost 47108
or destroyed, a base fee of fifteen dollars and a housing trust 47109
fund fee of fifteen dollars; 47110

(G) For filing, examining, and entering a memorial of each 47111
release, assignment, or waiver of priority of a mortgage, lease, 47112
lien, charge, or demand upon registered land and indexing it, for 47113
each separately registered parcel, a base fee of five dollars and 47114
a housing trust fund fee of five dollars; 47115

(H) For filing, examining, and entering a memorial of each 47116
official certificate of pending suit, judgment, lien, attachment, 47117
execution, or levy, upon registered land and indexing it, for each 47118
separately registered parcel, a base fee of five dollars and a 47119
housing trust fund fee of five dollars; 47120

(I) For continuing an owner's duplicate certificate, or 47121
mortgagee's duplicate certificate and entering and certifying 47122
memorials and notations thereon, a base fee of five dollars and a 47123
housing trust fund fee of five dollars; 47124

(J) For certificate as to taxes and special assessments, for 47125
each separately registered parcel, a base fee of ten dollars and a 47126
housing trust fund fee of ten dollars; 47127

(K) For filing, recording, and indexing any papers or 47128
instruments other than those provided in this section, any 47129
certified copy of record, or of any instrument on file in ~~his~~ the 47130
recorder's office, the same fees allowed by law for like services; 47131

(L) For issuing subpoenas and notices and swearing witnesses, 47132
the same fees allowed the clerk for like services. 47133

Costs as provided in this section may be taxed and by the 47134
court ordered to be paid by the parties in such manner as is just. 47135

Sec. 5501.03. (A) The department of transportation shall: 47136

(1) Exercise and perform such other duties, powers, and 47137
functions as are conferred by law on the director, the department, 47138
the assistant directors, the deputy directors, or on the divisions 47139
of the department; 47140

(2) Coordinate and develop, in cooperation with local, 47141
regional, state, and federal planning agencies and authorities, 47142
comprehensive and balanced state policy and planning to meet 47143
present and future needs for adequate transportation facilities in 47144
this state, including recommendations for adequate funding of the 47145
implementation of such planning; 47146

(3) Coordinate its activities with those of other appropriate 47147
state departments, public agencies, and authorities, and enter 47148
into any contracts with such departments, agencies, and 47149
authorities as may be necessary to carry out its duties, powers, 47150
and functions; 47151

(4) Cooperate with and assist the public utilities commission 47152
in the commission's administration of sections 4907.47 to 4907.476 47153
of the Revised Code, particularly with respect to the federal 47154
highway administration. 47155

(5) Give particular consideration to the development of 47156
policy and planning for public transportation facilities, and to 47157
the coordination of associated activities relating thereto, as 47158
prescribed under divisions (A)(2) and (3) of this section; 47159

(6) Conduct, in cooperation with the Ohio legislative service 47160
commission, any studies or comparisons of state traffic laws and 47161
local traffic ordinances with model laws and ordinances that may 47162
be required to meet program standards adopted by the United States 47163
department of transportation pursuant to the "Highway Safety Act 47164
of 1966," 80 Stat. 731, U.S.C.A. 401; 47165

(7) Prepare, print, distribute, and advertise books, maps, 47166
pamphlets, and other information that, in the judgment of the 47167

director, will inform the public and other governmental 47168
departments, agencies, and authorities as to the duties, powers, 47169
and functions of the department; 47170

(8) In its research and development program, consider 47171
technologies for improving roadways, including construction 47172
techniques and materials to prolong project life, being used or 47173
developed by other states that have geographic, geologic, or 47174
climatic features similar to this state's, and collaborate with 47175
those states in that development. 47176

Nothing contained in division (A)(1) of this section shall be 47177
held to in any manner affect, limit, restrict, or otherwise 47178
interfere with the exercise of powers relating to transportation 47179
facilities by appropriate agencies of the federal government, or 47180
by counties, municipal corporations, or other political 47181
subdivisions or special districts in this state authorized by law 47182
to exercise such powers. 47183

(B) The department may use all appropriate sources of revenue 47184
to assist in the development and implementation of rail service as 47185
defined by division (C) of section ~~4981.01~~ 5507.01 of the Revised 47186
Code. 47187

(C) The director of transportation may enter into contracts 47188
with public agencies including political subdivisions, other state 47189
agencies, boards, commissions, regional transit authorities, 47190
county transit boards, and port authorities, to administer the 47191
design, qualification of bidders, competitive bid letting, 47192
construction inspection, and acceptance of any projects 47193
administered by the department, provided the administration of 47194
such projects is performed in accordance with all applicable state 47195
and federal laws and regulations with oversight by the department. 47196

Sec. 5502.13. The department of public safety shall maintain 47197
an investigative unit in order to conduct investigations and other 47198

enforcement activity authorized by Chapters 4301., 4303., 5101., 47199
5107., ~~and 5108., and 5115.~~ and sections 2903.12, 2903.13, 47200
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 47201
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 47202
4507.30, ~~and 5115.03~~ of the Revised Code. The director of public 47203
safety shall appoint the employees of the unit who are necessary, 47204
designate the activities to be performed by those employees, and 47205
prescribe their titles and duties. 47206

Sec. ~~4981.01~~ 5507.01. As used in sections ~~4981.01~~ 5507.01 to 47207
~~4981.34~~ 5507.34 of the Revised Code: 47208

(A) "Person" means, in addition to the meaning given that 47209
term in division (C) of section 1.59 of the Revised Code, any unit 47210
of local government, any local or regional transportation 47211
authority, and any private corporation or organization. 47212

(B) "Rail property" means any asset or right that is used or 47213
is useful in providing rail service, including tracks, rolling 47214
stock, rights-of-way, bridges, grade crossing equipment, 47215
terminals, stations, parking facilities, and other rail 47216
facilities. 47217

(C) "Rail service" means freight, intercity passenger, 47218
commuter, and high speed rail transportation service. 47219

(D) "Regional rail reorganization act" means the "Regional 47220
Rail Reorganization Act of 1973," 87 Stat. 986, 45 U.S.C.A. 701, 47221
as amended. 47222

(E) "Local or regional transportation authority" includes a 47223
county transit board, a board of county commissioners operating a 47224
county transit system, a regional transit authority, a regional 47225
transit commission, or any other local or regional transportation 47226
authority or agency. 47227

(F) "Qualifying subdivision" means a county, township, or 47228

municipal corporation in this state that is levying a tax for the 47229
purpose of acquiring, rehabilitating, or developing rail service 47230
or rail property pursuant to division (CC) of section 5705.19 of 47231
the Revised Code. 47232

(G) "Ancillary system facilities" means all facilities 47233
desirable in connection with the operation and maintenance of a 47234
rail system such as parking lots, retail establishments, 47235
restaurants, hotels, offices, and other commercial or support 47236
facilities, located within or outside the right-of-way of the rail 47237
system. 47238

(H) "Corridor" means a designated portion of a rail system 47239
serving two or more designated urban areas. 47240

(I) "Franchise" means a license approved by the ~~Ohio rail~~ 47241
~~development commission~~ director of transportation that grants 47242
exclusive rights to a private corporation or organization to plan, 47243
construct, finance, lease, improve, use, operate, maintain, and 47244
set and collect charges for the use of a rail system or a portion 47245
of a rail system, such as a corridor, for a period of years as 47246
permitted by section ~~4981.29~~ 5507.29 of the Revised Code, as 47247
system owner or as lessee from or agent of the ~~commission~~ 47248
department of transportation. 47249

(J) "Franchise agreement" means the agreement executed 47250
between the ~~Ohio rail development commission~~ director of 47251
transportation and a person to whom a franchise is awarded. 47252

(K) "3-C corridor" means the corridor connecting Cincinnati, 47253
Columbus, and Cleveland. 47254

Sec. ~~4981.03~~ 5507.03. (A) The ~~Ohio rail development~~ 47255
~~commission~~ director of transportation shall do all of the 47256
following: 47257

(1) Develop, promote, and support safe, adequate, and 47258

efficient rail service throughout the state; 47259

(2) Maintain adequate programs of investigation, research, 47260
promotion, planning, and development for rail service, which 47261
programs shall include the consideration of recommendations by 47262
public or private planning organizations; 47263

(3) Provide for the participation of private corporations or 47264
organizations and the public in the development, construction, 47265
operation, and maintenance of rail service, and as franchisees 47266
thereof. 47267

(B) In regard to rail service, the ~~Ohio rail development~~ 47268
~~commission~~ department of transportation is the successor of the 47269
Ohio ~~high speed rail authority~~ and the ~~division of rail~~ 47270
~~transportation of the department of transportation~~ development 47271
commission. The ~~commission~~ department shall succeed to all federal 47272
allotments, entitlements, subsidies, and grants now existing, 47273
whether such allotments, entitlements, subsidies, and grants are 47274
encumbered or unencumbered, in the same manner and with the same 47275
authority as the Ohio ~~high speed rail authority~~ and the ~~division~~ 47276
~~of rail transportation~~ development commission exercised prior to 47277
~~the effective date of this amendment~~ the effective date of this 47278
amendment. 47279

For the purpose of succession to all duties, powers, and 47280
functions transferred, and of the conduct and completion of 47281
related matters, the director of transportation or the department 47282
of transportation shall be held to constitute the continuation of 47283
the Ohio rail development commission. All rules, acts, 47284
determinations, and decisions pertaining to the duties, powers, 47285
and functions of the commission, in effect at the time of the 47286
transfer, shall continue in effect until further action by the 47287
director of the department. 47288

Wherever the commission is referred to in any provision of 47289

law, or in any contract or document that pertains to the duties, 47290
powers, and functions of the commission, the reference or 47291
designation shall be held to refer to the director or the 47292
department. Wherever the commission is named in a deed or other 47293
evidence of an interest in real property, the designation shall be 47294
held to refer to the director or the department. 47295

No pending action or proceeding to which the commission is a 47296
party and that pertains to the duties, powers, and functions of 47297
the commission shall be affected by any provision effecting the 47298
transfer of the duties, powers, and functions, but any such 47299
pending action or proceeding may be prosecuted or defended in the 47300
name of the director or department. In any pending action or 47301
proceeding to which the commission is a party and that pertains to 47302
its duties, powers, and functions, the director or department, 47303
upon application to the court, shall be substituted as a party. 47304

(C) Every authority, commission, department, or other agency 47305
of this state shall provide the ~~commission~~ department with data, 47306
plans, research, and any other information that the ~~commission~~ 47307
department requests to assist it in performing its duties pursuant 47308
to this chapter. 47309

(D) The ~~commission~~ department may request and contract with 47310
any railroad to provide it with data and information necessary to 47311
carry out the purposes of this chapter. All railroads operating 47312
within this state shall provide the requested data and information 47313
to the ~~commission~~ department. The ~~commission~~ department shall not 47314
disclose any confidential data or information supplied to it. 47315

(E) The ~~commission~~ department shall cooperate with the 47316
director of development by exercising the ~~commission's~~ 47317
department's duty to promote and develop rail service in this 47318
state in conjunction with the ~~director's~~ director of development's 47319
exercise of ~~his~~ the duty to promote the economic development of 47320
this state. 47321

(F) The ~~commission~~ department, when developing rail service 47322
throughout the state, may give priority to projects undertaken 47323
within the geographic boundaries of qualifying subdivisions. 47324

~~(G) Notwithstanding any other provision of law, the 47325
commission is subject to section 123.151 of the Revised Code when 47326
entering into contracts for the performance of labor, the 47327
furnishing of materials, goods, or services, or the construction 47328
of any structures or buildings necessary for the maintenance, 47329
control, or management of any rail service project, as defined in 47330
section 4981.11 of the Revised Code. 47331~~

Sec. ~~4981.031~~ 5507.031. (A) The ~~Ohio rail development 47332
commission or the department of transportation, on behalf of the 47333
commission,~~ may apply for and receive from the United States 47334
government loans and grants in accordance with any federal law or 47335
program concerning rail transportation. 47336

(B) It is hereby found and determined that rail 47337
transportation is an essential and indispensable part of the 47338
commerce and industry of the state and is of vital importance to 47339
the creation and preservation of jobs and employment opportunities 47340
and to the improvement of the economic welfare of the people of 47341
the state, and that rail transportation creates, promotes, and is 47342
a part of the continuous exchange of goods and services in the 47343
state economy. It is further found and determined that the 47344
authority granted by Chapter ~~4981-~~ 5507. of the Revised Code is 47345
consistent with and will effect the purposes of Section 13 of 47346
Article VIII, Ohio Constitution, that rail transportation is part 47347
of and is directly related to industry, commerce, distribution, 47348
and research under Section 13 of Article VIII, Ohio Constitution, 47349
and that it is in the public interest and a proper public purpose 47350
under Section 13 of Article VIII, Ohio Constitution, for the state 47351
to acquire, construct, enlarge, improve, or equip, and to sell, 47352

lease, or exchange, or otherwise dispose of property, structures, 47353
equipment, and facilities for rail transportation, all as provided 47354
in Chapter ~~4981-~~ 5507. of the Revised Code, and that such 47355
activities will contribute to the creation or preservation of jobs 47356
or employment opportunities or the improvement of the economic 47357
welfare of the people of the state. Chapter ~~4981-~~ 5507. of the 47358
Revised Code, being necessary for the welfare of the state and its 47359
people, shall be liberally construed to effect its purposes. 47360

Sec. ~~4981.032~~ 5507.032. The ~~Ohio rail development commission~~ 47361
~~department of transportation~~ may issue grants and loans to any 47362
transportation authority or to any person for the purpose of 47363
continuing or instituting rail transportation in the state. The 47364
grants and loans may be used for rehabilitation, construction, 47365
planning, relocation, or acquisition of rail transportation or 47366
rail property, or for substitute service. The grants and loans may 47367
be provided by the ~~commission~~ department with funds from the 47368
United States government, the state, any transportation authority, 47369
or any person, or from any combination of those sources. The 47370
~~commission~~ department shall establish eligibility and distribution 47371
criteria for the grants and loans. 47372

Sec. ~~4981.033~~ 5507.033. (A) Notwithstanding section 4961.37 47373
of the Revised Code, a railroad company, public agency, or other 47374
person operating passenger rail service on a right-of-way owned by 47375
another shall indemnify and hold harmless the owner, user, or 47376
other rights holder for liability for any damages arising out of 47377
passenger operations conducted by or on behalf of the railroad 47378
company, public agency, or other person operating passenger rail 47379
service and for all claims for damages for harm arising from any 47380
accident or incident occurring in connection with the operations 47381
conducted by or on behalf of the railroad company, public agency, 47382
or other person operating passenger rail service. 47383

(B) Each railroad company, public agency, or other person 47384
operating passenger rail service on a right-of-way owned by 47385
another shall maintain an aggregate limit of liability coverage of 47386
no less than two hundred million dollars. 47387

(C) The liability for damages for harm, including any 47388
punitive damages, of a railroad company or other entity over whose 47389
tracks passenger rail service operations are conducted by another 47390
shall not be in an amount greater than the limits of the liability 47391
coverage maintained by the railroad company, public agency, or 47392
other person operating passenger rail service. 47393

(D) Division (A) of this section shall not apply if the 47394
railroad company or other entity over whose tracks the passenger 47395
rail service operations are conducted, committed an act or 47396
omission with reckless, wanton, willful, or gross negligence and 47397
the act or omission proximately caused the harm in question. 47398

(E) The operator of an excursion rail service and the owner 47399
of any railroad property over which the excursion rail service 47400
will be provided may negotiate to determine the amount of 47401
liability coverage necessary to satisfy the owner's private 47402
insurance requirements. If the operator and owner reach agreement 47403
on the amount of private insurance coverage so required, division 47404
(B) of this section shall not apply to the operation of the 47405
excursion rail service over that railroad property. 47406

This division does not require any owner of railroad property 47407
to enter into such negotiations, to agree to an amount of 47408
liability coverage that the owner determines to be insufficient 47409
indemnification, nor to permit any excursion rail service operator 47410
to have access to the railroad property. 47411

(F) This section shall not be construed to require the state 47412
or any political subdivision of the state to indemnify any owner, 47413
user, or other person or entity for damages of any kind in 47414

violation of the Constitution of this state or a municipal or 47415
county charter. This section shall not be construed to require the 47416
state to carry liability insurance for any purpose. 47417

(G) As used in this section: 47418

(1) "Harm" means injury, death, or loss to person or 47419
property. 47420

(2) "Passenger rail service" includes intercity passenger, 47421
commuter, or high speed rail transportation service. 47422

(3) "Excursion rail service" means any rail passenger service 47423
that is undertaken primarily for education, entertainment, 47424
recreation, or scenic observation and that does not involve any of 47425
the following: 47426

(a) The carrying of freight other than the personal luggage 47427
of the passengers or crew, or supplies and equipment necessary to 47428
serve the needs of the passengers or crew; 47429

(b) The carrying of passengers who are commuting to work; 47430

(c) The carrying of passengers who are traveling to a final 47431
destination solely for business or commercial purposes. 47432

Sec. ~~4981.04~~ 5507.04. (A) The ~~Ohio rail development~~ 47433
~~commission~~ department of transportation shall prepare a plan for 47434
the construction and operation of an intercity conventional or 47435
high speed passenger transportation system in this state. The 47436
system shall be constructed and operated by the ~~commission~~ 47437
department. The plan for construction and operation shall be based 47438
on existing studies, and shall state that the system's initial 47439
route will connect Cleveland, Columbus, and Cincinnati and any 47440
points in between those cities determined by the ~~authority~~ 47441
department. The plan shall include the following information: 47442

(1) The route alignment of the proposed system; 47443

(2) The proposed technology;	47444
(3) The size, nature, and scope of the proposed system;	47445
(4) The sources of the public and private revenue needed to finance the system;	47446 47447
(5) The projected ability of all revenue sources to meet both capital and operating funding requirements of the proposed system;	47448 47449
(6) The construction, operation, and management plan for the system, including a timetable for construction and the proposed location and number of transit stations considered necessary;	47450 47451 47452
(7) The likelihood that Ohio-based corporations will be used to manufacture or supply components of the proposed system;	47453 47454
(8) The likelihood that additional or subsidiary development will be generated;	47455 47456
(9) The extent to which the proposed system will create an additional or reduced demand for sources of energy;	47457 47458
(10) Any changes in the law necessary to implement the proposed system;	47459 47460
(11) The proposed system's impact on the economy of the state and on the economic and other public policies of the state.	47461 47462
(B) <u>The commission department</u> may revise any plan of the Ohio high speed rail authority <u>or the Ohio rail development commission</u> or may submit a separate plan for construction and operation and a funding request to the governor, the speaker of the house of representatives, and to the president of the senate. Any plan for an intercity conventional or high speed passenger transportation system submitted by the commission <u>department</u> pursuant to this section shall not propose the operation of such a system by the state other than through the commission <u>department</u> .	47463 47464 47465 47466 47467 47468 47469 47470 47471
Sec. 4981.05 <u>5507.05</u>. (A) Any local or regional	47472

transportation authority may apply for a rail service continuation 47473
subsidy, acquisition or modernization loan, or any other 47474
assistance provided by the Regional Rail Reorganization Act for 47475
the purpose of providing any rail service that is consistent with 47476
rail service provided under this chapter. Any local or regional 47477
transportation authority may exercise, or may be created to 47478
exercise, such authority, administrative jurisdiction, and fiscal 47479
control as is necessary to obtain such assistance and provide such 47480
rail service. 47481

(B) For the purposes of this section, "transit system" as 47482
used in section 306.04 of the Revised Code, and "transit facility" 47483
as used in sections 306.30 and 306.81 of the Revised Code, include 47484
rail service. 47485

Sec. 4981.06 5507.06. (A) The ~~Ohio rail development~~ 47486
~~commission~~ department of transportation may purchase or lease any 47487
portion of the rail property of a railroad corporation, and may 47488
purchase or lease any other property, facilities, or equipment 47489
considered necessary by the ~~commission~~ department for the 47490
operation of rail services, and the maintenance of track and other 47491
rail property. For the purpose of acquiring such property the 47492
~~commission~~ department may obtain acquisition loans from the 47493
federal government. 47494

(B) Where it is necessary for the purpose of implementing 47495
rail service under this chapter, the ~~commission, with the approval~~ 47496
~~of the director of transportation,~~ department may appropriate real 47497
property. All such appropriations shall be made pursuant to 47498
sections 163.01 to 163.22 of the Revised Code. 47499

Sec. 4981.07 5507.07. (A) The ~~Ohio rail development~~ 47500
~~commission~~ department of transportation may restore, repair, 47501
relocate, or upgrade any rail property purchased, leased, or 47502

maintained by the ~~commission~~ department. The ~~commission~~ department 47503
may restore, repair, relocate, or upgrade any rail property owned 47504
by another person as long as such action is necessary for the 47505
efficient operation of rail services provided by the ~~commission~~ 47506
department. The ~~commission~~ department may obtain modernization 47507
loans from the federal government to restore or repair rail 47508
property acquired by the ~~commission~~ department for the purpose of 47509
implementing rail service. 47510

(B) The ~~commission~~ department may operate any rail property 47511
acquired by it over track owned or leased by the ~~commission~~ 47512
department, or over track owned by another person pursuant to an 47513
agreement with that person as long as such action is necessary for 47514
the efficient operation of rail service provided by the ~~commission~~ 47515
department pursuant to this chapter. 47516

(C) The ~~commission~~ department may enter into agreements with 47517
~~the department of transportation~~, boards of county commissioners, 47518
boards of township trustees, legislative authorities of municipal 47519
corporations, with other governmental agencies or organizations, 47520
and with private corporations or organizations in order to 47521
facilitate implementation of rail service. 47522

Sec. ~~4981.08~~ 5507.08. (A) The ~~Ohio rail development~~ 47523
~~commission~~ department of transportation may sell, transfer, or 47524
lease any of the rail property that it possesses to any person for 47525
the continuation and operation of any rail service that is 47526
provided for pursuant to this chapter. 47527

(B) The ~~commission~~ department may assist any person to obtain 47528
~~an any~~ order or certificate required by the ~~interstate commerce~~ 47529
~~commission~~ surface transportation board for the performance of 47530
rail services in this state. 47531

(C) The ~~commission~~ department may cooperate with other states 47532
in carrying out the provisions of this chapter and may enter into 47533

any agreements with other states for the operation of rail 47534
services, including the joint purchasing or leasing of rail 47535
property. 47536

Sec. ~~4981.09~~ 5507.09. There is hereby created in the state 47537
treasury the rail development fund. The fund shall consist of such 47538
moneys as may be provided by law, including moneys received from 47539
the sale, transfer, or lease of any rail property pursuant to 47540
section ~~4981.08~~ 5507.08 of the Revised Code. Moneys in the fund 47541
shall be used for the purpose of acquiring, rehabilitating, or 47542
developing rail property or service, or for participation in the 47543
acquisition of rail property with the federal government, 47544
municipal corporations, townships, counties, or other governmental 47545
agencies. For the purpose of acquiring such rail property, the 47546
~~Ohio rail development commission~~ department of transportation may 47547
obtain acquisition loans from the federal government or from any 47548
other source. 47549

The fund shall also be used to promote, plan, design, 47550
construct, operate, and maintain passenger and freight rail 47551
transportation systems, and may be used to pay the administrative 47552
costs of the ~~Ohio rail development commission~~ department 47553
associated with conducting any authorized rail program, and for 47554
any purpose authorized by sections ~~4981.03~~ and 5501.56 and 5507.03 47555
of the Revised Code. The fund shall not be used to provide loan 47556
guarantees. 47557

Sec. ~~4981.091~~ 5507.091. There is hereby created in the state 47558
treasury the federal rail fund. The fund shall consist of money 47559
received pursuant to section ~~4981.08~~ 5507.08 of the Revised Code 47560
and such other money as may be provided by law. The fund shall be 47561
used to acquire, rehabilitate, or develop rail property or 47562
service; to participate in the acquisition of rail property with 47563
the federal government, municipal corporations, townships, 47564

counties, or other governmental agencies; and to promote, plan, 47565
design, construct, operate, and maintain passenger and freight 47566
rail transportation systems. The fund also may be used to pay the 47567
administrative costs of the ~~Ohio rail development commission~~ 47568
department of transportation associated with conducting any 47569
authorized rail program, and for any purpose authorized by 47570
sections ~~4981.03 and~~ 5501.56 and 5507.03 of the Revised Code. The 47571
fund shall not be used to provide loan guarantees. Investment 47572
earnings on moneys credited to the fund shall be retained by the 47573
fund. 47574

In acquiring rail property, the ~~Ohio rail development~~ 47575
~~commission~~ department may obtain acquisition loans from the 47576
federal government or from any other source. 47577

Sec. ~~4981.10~~ 5507.10. As long as such action does not violate 47578
covenants made on behalf of or for the benefit of the holders of 47579
bonds, notes, or other obligations of the ~~Ohio rail development~~ 47580
~~commission~~ department of transportation, the ~~Ohio rail development~~ 47581
~~commission~~ department may purchase any portion of the rail 47582
property of a railroad corporation and may purchase any other 47583
property, facilities, or equipment considered necessary by the 47584
~~commission~~ department for the operation of rail services, ~~subject~~ 47585
~~to the following conditions:~~ 47586

~~(A) Upon if, upon~~ inspection of the rail property, the 47587
~~commission~~ department determines that the rail property is 47588
suitable for the efficient operation of rail services. 47589

~~(B) The controlling board approves the purchase of the rail~~ 47590
~~property by an affirmative vote of no fewer than five members.~~ 47591

Sec. ~~4981.11~~ 5507.11. As used in sections 5507.11 to 5507.26 47592
of the Revised Code: 47593

(A) "~~Commission~~" "Department" means the ~~Ohio rail development~~ 47594

~~commission created in section 4981.02 of the Revised Code, the~~ 47595
~~duties, powers, responsibilities, and functions of which are~~ 47596
~~specified in this chapter~~ department of transportation. 47597

(B) "Bond" means revenue bonds, notes, or other obligations 47598
including current or advance refunding bonds issued by the 47599
~~commission~~ department to effect the intents and purposes of this 47600
chapter and any bond issued by a qualifying subdivision or local 47601
or regional transportation authority pursuant to Chapter 133. of 47602
the Revised Code ~~or otherwise as provided by the constitution and~~ 47603
~~laws of this state.~~ 47604

(C) "Bond proceedings" means any bond proceedings, as defined 47605
in division (E) of section 9.98 of the Revised Code, with respect 47606
to bonds, including, without limitation, the bond legislation with 47607
respect thereto. 47608

(D) "Cost," as applied to rail service projects, means the 47609
cost of acquisition, repair, renovation, and construction thereof; 47610
the cost of acquisition of all land, rights-of-way, property 47611
rights, easements, franchise rights, credit enhancements, or 47612
credit facility and interests required by any person, qualifying 47613
subdivision, a local or regional transportation authority, or the 47614
~~commission~~ department for such acquisition, renovation, repair, or 47615
construction, the cost of demolishing or removing any buildings or 47616
structures on land so acquired, including the cost of acquiring 47617
any lands to which buildings or structures may be moved; the cost 47618
of diverting highways, interchange of highways, access roads to 47619
private property, railroad rights-of-way including the cost of 47620
land or easement therefor; the cost of all machinery, furnishing, 47621
and equipment; all finance charges, and interest prior to and 47622
during the construction and for no more than eighteen months after 47623
completion of construction or acquisition; the cost of all legal 47624
services and expenses; the cost of all plans, specifications, 47625
surveys, and estimates of cost; all working capital and other 47626

expenses necessary or incident to determining the feasibility or 47627
practicability of acquiring, renovating, repairing, or 47628
constructing any such project; the financing of such acquisition, 47629
renovation, repair, refunding, or construction, including the 47630
amount authorized ~~in the resolution of the commission providing~~ 47631
for the issuance of bonds to be paid into any special funds from 47632
the proceeds of such bonds; and the financing of the placing of 47633
any such rail service project in operation, if necessary. ~~Any~~ 47634

Any obligations or expenses incurred after December 19, 1986, 47635
by any person, qualifying subdivision, or local or regional 47636
transportation authority, with the approval of the ~~commission~~ 47637
department, for surveys, borings, preparation of plans and 47638
specifications, and other engineering services in connection with 47639
the acquisition, renovation, repair, or construction of a project 47640
shall be regarded as a part of the cost of such project and shall 47641
be reimbursed out of the proceeds of grants, loans, or bonds as 47642
authorized by this chapter. 47643

(E) "Credit facility" means any credit facility, as defined 47644
in division (G) of section 9.98 of the Revised Code, with respect 47645
to bonds. 47646

(F) "Floating rate interest structure" means any floating 47647
rate interest structure, as defined in division (I) of section 47648
9.98 of the Revised Code, with respect to bonds. 47649

(G) "Indexing agent" means any indexing agent, as defined in 47650
division (J) of section 9.98 of the Revised Code, with respect to 47651
bonds. 47652

(H) "Rail service project" or "project" means any project of 47653
an essential public nature which is considered a part of the rail 47654
service system, including, without limitation, permitted loan 47655
purposes which are specifically declared to be for an essential 47656
public purpose. 47657

(I) "Interest rate period" means any interest rate period, as 47658
defined in division (K) of section 9.98 of the Revised Code, with 47659
respect to bonds. 47660

(J) "Issuer" means the ~~commission~~ department. 47661

(K) "Participation agreement" means any participation 47662
agreement, loan agreement, lease agreement, bond purchase 47663
agreement, or other agreement between or among any person, 47664
qualifying subdivision, or local or regional transportation 47665
authority and the ~~commission~~ department pursuant to which the 47666
~~commission~~ department agrees to lend moneys to the person, 47667
qualified subdivision, or local or regional transportation 47668
authority, and the person, qualifying subdivision, or local or 47669
regional transportation authority agrees to repay the moneys so 47670
lent, in accordance with this chapter and the applicable bond 47671
proceedings and on the terms and subject to the conditions set 47672
forth in such agreement. 47673

(L) "Permitted loan purpose" means any of the following: 47674

(1) The payment of the costs of the acquisition or 47675
construction of any property, asset, or improvement with an 47676
estimated life or usefulness of one year or more, including land 47677
and interests therein, and including reconstructions, 47678
enlargements, and extensions of any such property, asset, or 47679
improvement having an estimated life or usefulness of one year or 47680
more, of the ~~commission~~ department provided that such estimated 47681
life or usefulness shall be certified by the fiscal officer of the 47682
person, qualifying subdivision, or local or regional 47683
transportation authority to which the loan is to be made to that 47684
person, qualifying subdivision, or local or regional 47685
transportation authority; 47686

(2) The payment of any final judgment, regardless of whether 47687
such judgment arose out of a contractual or noncontractual cause 47688

of action; 47689

(3) The reimbursement to any person, qualifying subdivision, 47690
or local or regional transportation authority of moneys expended 47691
by it for a permitted loan purpose described in divisions (L)(1) 47692
and (2) of this section, including, without limitation, rental 47693
payments made by any person, qualifying subdivision, or local or 47694
regional transportation authority under a lease with an option to 47695
purchase if the proceeds of the loan are to be applied to the 47696
payment of the purchase price upon the exercise of the option to 47697
purchase; 47698

(4) The refunding, including funding and retirement, or 47699
advance refunding of the outstanding principal amount of any debt 47700
obligation issued or incurred by the ~~commission~~ department or by 47701
any person, qualifying subdivision, or local or regional 47702
transportation authority, including, without limitation, any loan 47703
previously made from the ~~commission~~ department for a permitted 47704
loan purpose of the sort described in divisions (L)(1) and (2) of 47705
this section; 47706

(5) The costs and expenses incurred by the ~~commission~~ 47707
department or by any person, qualifying subdivision, or local or 47708
regional transportation authority in obtaining a loan from the 47709
~~commission~~ department, including, without limitation, the fees and 47710
expenses of attorneys, accountants, engineers, and consultants and 47711
the costs and expenses of preparing, printing, and delivering any 47712
documents or instruments required to be delivered by any person, 47713
qualifying subdivision, or local or regional transportation 47714
authority under its participation agreement with the ~~commission~~ 47715
department. 47716

(M) "Person" means any natural person, partnership, joint 47717
venture, corporation, foreign or domestic, state or subdivision 47718
thereof, or sovereign government, or province thereof including 47719
the United States or any agency or instrumentality thereof. 47720

(N) "Put arrangement" means any put arrangement, as defined 47721
in division (N) of section 9.98 of the Revised Code, with respect 47722
to bonds. 47723

(O) "Remarketing agent" means a remarketing agent as defined 47724
in division (O) of section 9.98 of the Revised Code, with respect 47725
to bonds. 47726

(P) "Revenue" means any money or thing of value collected by, 47727
or paid to, the ~~commission~~ department in connection with any rail 47728
project or as principal of or interest, charges, or other fees on 47729
loans, including any moneys derived from taxation or any other 47730
collections on loans made by the ~~commission~~ department to any 47731
person, qualifying subdivisions, or local or regional 47732
transportation authorities to finance in whole or in part the 47733
acquisition, renovation, repair, refunding, or construction of any 47734
rail service project or projects, or other money or property which 47735
is received by the ~~commission~~ department and may be expended for 47736
or pledged as revenues pursuant to this chapter. 47737

(Q) "Special fund" means any fund required to be established 47738
by the ~~commission~~ department pursuant to the bond proceedings with 47739
respect to any bonds and into which the bond proceedings require 47740
that pledged receipts be deposited and from which the bond 47741
proceedings permit the disbursement of the pledged receipts at the 47742
times, in the amounts, and for the purposes set forth therein. 47743

(R) "Special revenue loan" means a loan to a qualifying 47744
subdivision or local or regional transportation authority by the 47745
~~commission~~ department that is payable solely from and secured 47746
solely by one or more sources of county or municipal tax or other 47747
revenue other than ad valorem property taxes. 47748

Sec. ~~4981.12~~ 5507.12. (A) The general assembly hereby finds 47749
and declares that increasing requirements for rail service for the 47750

people of the state and escalating costs of providing such rail 47751
service have created inordinate demands upon the financial 47752
resources of the state, qualifying subdivisions, private 47753
corporations and organizations, and local and regional 47754
transportation authorities necessitating legislation to enable the 47755
people of the state to attain a more competitive position in 47756
capital markets to provide rail service. 47757

(B) The general assembly hereby finds and declares further 47758
that it is in the public interest and is the responsibility of the 47759
state to foster and promote by all lawful means the provision of 47760
adequate capital markets and facilities for borrowing money for 47761
the financing of rail service and the fulfillment of public 47762
purposes, and to make it possible for the ~~commission~~ department of 47763
transportation, qualifying subdivisions, private corporations or 47764
organizations, and local or regional transportation authorities to 47765
obtain new or additional sources of capital funds at acceptable 47766
interest costs, including activities to encourage investor 47767
interest in the purchase of bonds, notes or other obligations of 47768
the ~~commission~~ department, or issued by the ~~commission~~ department 47769
to fund loans it may make to private corporations or organizations 47770
under sections ~~4981.01~~ 5507.01 to ~~4981.26~~ 5507.26 of the Revised 47771
Code, as sound and preferred securities for investments. 47772

(C) The general assembly hereby finds and declares further 47773
that it is in the public interest and is the responsibility of the 47774
state to encourage qualifying subdivisions, local or regional 47775
transportation authorities, and other persons to continue their 47776
independent undertakings of rail service and fulfillment of public 47777
purposes and the financing thereof and to improve or enhance the 47778
possibilities of qualifying subdivisions, local or regional 47779
transportation authorities, and other persons obtaining funds, to 47780
the extent possible, at reduced interest costs, for the orderly 47781
financing of rail service projects and fulfillment of public 47782

purposes. 47783

(D) The general assembly hereby finds and declares further 47784
that it is in the public interest, in order to implement and aid 47785
in the discharge of these responsibilities, that a state 47786
instrumentality, having been created as a public body corporate 47787
with full powers to borrow money and issue its bonds, notes, and 47788
other obligations to the end that funds obtained thereby may be 47789
used or made available to franchisees to provide capital 47790
facilities for rail service by the ~~commission~~ department or for 47791
the purposes of making loans to qualifying subdivisions, local or 47792
regional transportation authorities, private corporations or 47793
organizations, and other persons for rail service projects, that 47794
such state instrumentality be granted all powers necessary or 47795
appropriate to accomplish and carry out these essential public 47796
purposes and responsibilities of the state in a manner to make it 47797
possible to sell bonds and borrow funds at as low an interest rate 47798
as the instrumentality finds and determines to be feasible. 47799

(E) The general assembly further finds and declares that in 47800
accomplishing these purposes, the ~~commission, created and~~ 47801
~~established by this chapter,~~ department will be acting in all 47802
respects for the benefit of the people of the state to serve the 47803
public purposes of improving and otherwise promoting their health, 47804
education, welfare, safety, and prosperity, and that the 47805
~~commission~~ department may act on behalf of the state and its 47806
people in serving the essential public purposes described in this 47807
section for the benefit of the general public of the state. 47808

Sec. ~~4981.13~~ 5507.13. To accomplish the public policies and 47809
purposes and to meet the responsibility of the state as set forth 47810
in this chapter, the ~~Ohio rail development commission~~ department 47811
of transportation may directly undertake and implement and make 47812
loans to qualifying subdivisions, local or regional transportation 47813

authorities, and other persons for the acquisition, renovation, 47814
repair, refunding, or construction of rail service projects by 47815
such qualifying subdivisions and local or regional transportation 47816
authorities, and may issue bonds, payable solely from revenues, to 47817
pay the cost of, or finance, in whole or in part, rail service 47818
projects of the ~~commission~~ department or loans to any person, 47819
qualifying subdivision, or local or regional transportation 47820
authority. A project shall not be undertaken unless it has been 47821
determined by the ~~commission~~ department, based upon information 47822
provided to it by the qualifying subdivision, local or regional 47823
transportation authority, or other person or agency charged or 47824
empowered by law with the responsibility of reporting, to be 47825
consistent with any applicable requirements of law. ~~Any resolution~~ 47826
~~of the commission providing for making a loan for any permitted~~ 47827
~~loan purpose or execution of any participation agreement pursuant~~ 47828
~~to this chapter shall include a finding by the commission that~~ 47829
~~such determinations have been made.~~ A participation agreement may 47830
be entered into between the ~~commission~~ department and each 47831
qualifying subdivision, local or regional transportation 47832
authority, or other person to which a loan is made or from which 47833
bonds are purchased for the acquisition, renovation, repair, or 47834
construction of a rail service project, which participation 47835
agreement shall include, without limitation, all of the following 47836
provisions: 47837

(A) The cost of such project, the amount of the loan or bond 47838
purchase, the terms of repayment of such loan or bond purchase and 47839
the security therefor; 47840

(B) The specific purposes for which the proceeds of the loan 47841
or bond purchase shall be expended, the procedures as to the 47842
disbursements of loan or bond purchase proceeds, and the duties 47843
and obligations imposed upon the qualifying subdivision, local or 47844
regional transportation authority, or other person in regard to 47845

the construction, renovation, repair, refunding, or acquisition of 47846
the project; 47847

(C) The agreement of the qualifying subdivision, local or 47848
regional transportation authority, or other person to ~~raise the~~ 47849
~~funds of~~ provide sufficient credit or guarantee for repayment, 47850
through levy, pursuant to an election, contract, lease, fee 47851
charges, or otherwise; 47852

(D) The agreement of the qualifying subdivision, local or 47853
regional authority, or other person to provide the opinion of its 47854
counsel that the obligations of the qualifying subdivision, local 47855
or regional transportation authority, or other person comply with 47856
all applicable laws, rules, and regulations issued by the 47857
~~commission~~ department or other state, federal, or local bodies in 47858
regard to the construction, repair, renovation, funding, 47859
refunding, or acquisition of the project. 47860

Sec. ~~4981.131~~ 5507.131. (A) The power and authority provided 47861
by this chapter to qualifying subdivisions and local or regional 47862
transportation authorities to borrow for permitted loan purposes 47863
is in addition and supplemental to, not in derogation of, any 47864
other power or authority provided by law for the same or similar 47865
purposes, and this chapter provides to qualifying subdivisions or 47866
local or regional transportation authorities alternative, not 47867
exclusive, means of accomplishing those purposes. 47868

(B) Chapter 133. of the Revised Code shall not apply to 47869
issuance of bonds by the ~~Ohio rail development commission~~ 47870
department of transportation under this chapter or to the 47871
authorizing, obtaining, or incurring of any general obligation 47872
loan or special revenue loan or to its entering into any 47873
participation agreement or delivering any such other instrument to 47874
the ~~commission~~ department in connection therewith, by any 47875
qualifying subdivision or local or regional transportation 47876

authority, except to the extent, if any, that provisions of 47877
Chapter 133. of the Revised Code are expressly made applicable 47878
thereto by this chapter or by the bond proceedings applicable to 47879
the bonds from the proceeds of which such loan was made. 47880

(C) For purposes of division (A) of section 5705.41 of the 47881
Revised Code, the authorization by a qualifying subdivision or 47882
local or regional transportation authority of a loan from the 47883
~~commission~~ department pursuant to section ~~4981.12~~ 5507.12 of the 47884
Revised Code shall be deemed to be the authorization of a bond 47885
issue, and the purpose for which such loan was obtained shall be 47886
deemed to be the purpose for which such bonds were issued. For 47887
purposes of division (D) of section 5705.41 of the Revised Code, 47888
the proceeds to be derived from a loan authorized by a qualifying 47889
subdivision or local or regional transportation authority to be 47890
obtained pursuant to section ~~4981.12~~ 5507.12 of the Revised Code 47891
shall be deemed to be proceeds to be derived from authorized 47892
bonds. 47893

(D) Sections ~~4981.01~~ 5507.01 to ~~4981.26~~ 5507.26 of the 47894
Revised Code shall be liberally construed to effect the purposes 47895
described in section 1.11 of the Revised Code. 47896

Sec. ~~4981.14~~ 5507.14. (A) The ~~Ohio rail development~~ 47897
~~commission~~ department of transportation may exercise all powers 47898
necessary or appropriate to carry out ~~its corporate~~ the purposes 47899
of this chapter. 47900

(B) The ~~commission~~ department may do all of the following in 47901
connection with activities authorized by this chapter: 47902

(1) ~~Adopt, and from time to time, ratify, amend, and repeal~~ 47903
~~bylaws necessary and proper for the regulation of its affairs and~~ 47904
~~the conduct of its business and rules to implement and make~~ 47905
~~effective its powers and duties;~~ 47906

- ~~(2) Adopt an official seal;~~ 47907
- ~~(3) Maintain a principal office in Columbus and, if necessary, regional sub-offices at locations properly designated or provided;~~ 47908
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- ~~(4) Sue and be sued in its own name and plead and be impleaded in its own name, particularly to enforce the obligations and covenants made under sections 4981.13, 4981.14, and 4981.29 of the Revised Code. Any actions against the commission shall be brought in the court of common pleas in Franklin county, in which the principal office of the commission shall be located.~~ 47911
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- ~~(5) Undertake or cause to be undertaken the acquisition, renovation, repair, refunding, operation, maintenance, or construction of any rail service project;~~ 47917
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- ~~(6)(2) Establish and operate a revolving loan fund for the purpose of making loans to qualifying subdivisions, local or regional transportation authorities, or other persons for the acquisition, renovation, repair, refunding, or construction of rail service projects by such qualifying subdivisions, local or regional transportation authorities, and private corporations or organizations, and the repayment thereof from project financing proceeds and revenues; purchase the obligations of counties and municipal corporations issued for the acquisition, renovation, repair, or construction of rail service projects by such qualifying subdivisions and local or regional transportation authorities; and adopt rules and procedures for making those loans or purchasing those obligations;~~ 47920
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- ~~(7)(3) Issue bonds and notes and refunding obligations of the state, payable as provided in this chapter unless the bonds are refunded by refunding bonds, for the purpose of borrowing money to implement any power granted by divisions (B)(5) and (6) of this section for one or more rail service projects or parts thereof;~~ 47933
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~~(8) Acquire by gift or purchase, hold, or dispose of real and personal property in the exercise of its powers and performance of its duties as set forth in this chapter;~~ 47938
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~~(9) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers and to employ natural persons to act on behalf of the commission, and to establish the terms and conditions of such employment;~~ 47941
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~~(10) Receive and accept from any federal agency or other person, subject to the approval of the governor, grants for or in aid of the construction, repair, renovation, operation, maintenance, or acquisition of rail service projects, and receive and accept aid or contributions from any source of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;~~ 47946
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~~(11) Purchase property coverage and liability insurance for any rail service project and for any offices of the commission, insurance protecting the commission and its officers and employees against liability, if any, or damage to property or injury to or death of persons arising from its operations, and any other insurance the commission may agree to provide under any resolution authorizing the issuance of bonds in accordance with sections 4981.11 to 4981.26 of the Revised Code, or in any trust agreement securing the same;~~ 47954
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~~(12) Establish or increase reserves from moneys received or to be received by the commission to secure or pay the principal of and interest on bonds, notes, or other obligations issued by the commission pursuant to this chapter or other law. Moneys, funds, and accounts of the commission, however, are subject only to audit by the auditor of state and all moneys, funds, and accounts shall~~ 47963
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~~be held in custody or deposited as directed by resolution of the~~ 47969
~~commission and unless otherwise provided by law all moneys of the~~ 47970
~~commission not pledged to the holders of bonds of the commission~~ 47971
~~shall be appropriated by the general assembly.~~ 47972

~~(13) Receive and disburse the proceeds of general obligation~~ 47973
~~or other bonds of the state or agencies thereof as may be allowed~~ 47974
~~by law pursuant to any resolution or act of the general assembly;~~ 47975

~~(14)~~(4) To the extent permitted under its contracts with the 47976
holders of bonds or notes of the ~~commission~~ department, consent to 47977
modification of the rate of interest, time and payment of 47978
installment of principal or interest, security, or any other term 47979
of a bond, contract, or agreement of any kind to which the 47980
~~commission~~ department is a party; 47981

~~(15)~~(5) Make grants to counties or municipal corporations, 47982
qualifying subdivisions, local or regional transportation 47983
authorities, or other persons for one or more rail service 47984
projects of parts thereof; 47985

~~(16)~~(6) Provide consultation services to any qualifying 47986
subdivision, local or regional transportation authority, or other 47987
person in connection with the acquisition, renovation, repair, or 47988
construction of any rail service project; 47989

~~(17)~~(7) Establish and amend the criteria and qualifications 47990
for the making of any loan to or the purchasing of any bond from 47991
any qualifying subdivision, local or regional transportation 47992
authority, or other person and the terms not inconsistent with 47993
this chapter of any loan or bond purchase agreement with any 47994
qualifying subdivision, local or regional transportation 47995
authority, or other person; 47996

~~(18)~~(8) Do all acts necessary and proper to carry out the 47997
powers expressly granted to the ~~commission~~ department in this 47998
chapter. 47999

(C) Any instrument by which real property is acquired 48000
pursuant to this section shall identify the agency of the state 48001
that has the use and benefit of the real property as specified in 48002
section 5301.012 of the Revised Code. 48003

Sec. ~~4981.15~~ 5507.15. (A) The ~~Ohio rail development~~ 48004
~~commission~~ department of transportation, from time to time, may 48005
issue bonds in such principal amounts as the ~~commission~~ department 48006
finds necessary to finance one or more rail service projects. 48007
Sections 9.98 to 9.983 of the Revised Code are hereby made 48008
applicable in their entirety to any bonds authorized to be issued 48009
under this chapter except as otherwise provided herein. 48010

(B) The ~~commission~~ department, from time to time, may issue 48011
renewal bonds, issue bonds to pay such obligations and, whenever 48012
it considers refunding expedient, refund any bonds by the issuance 48013
of bonds by the authority granted by this chapter. Except as may 48014
otherwise be expressly provided in this chapter or by the 48015
~~commission~~ department, every issue of its bonds or notes is an 48016
obligation of the ~~commission~~ department payable out of the 48017
revenues and reserves created for such purposes by the ~~commission~~ 48018
department, which are expressly pledged for such payment, without 48019
preference or priority of the first bonds issued, subject only to 48020
any agreements with the holders of particular bonds or notes 48021
pledging any particular revenues. Such pledge shall be valid and 48022
binding from the time the pledge is made and the revenues so 48023
pledged and thereafter received by the ~~commission~~ department 48024
immediately shall be subject to the lien of such pledge without 48025
any physical delivery thereof or further act and the lien of any 48026
such pledge shall be valid and binding as against all parties 48027
having claims of any kind, in tort, contract, or otherwise, 48028
against the ~~commission~~ department irrespective of whether such 48029
parties have notice thereof. 48030

(C) All such bonds shall have and are hereby declared to have 48031
all the qualities of negotiable instruments. The bonds shall be 48032
~~authorized by resolution of the commission, shall~~ bear such date 48033
and shall mature at such time, in case of any such note or any 48034
renewal thereof not exceeding five years from the date of issue of 48035
such original note, and in the case of any such bond not exceeding 48036
fifty years from the date of issue, ~~as such resolution may~~ 48037
~~provide.~~ The bonds and notes shall bear interest at such rate or 48038
rates, including variable rates, be in such denominations, be in 48039
such form, either coupon or registered, carry such registration 48040
privileges, be payable in such medium of payment, in such place, 48041
and be subject to such terms of redemption as otherwise set forth 48042
in this chapter as the ~~commission~~ department may authorize. The 48043
bonds of the ~~commission~~ department may be sold by the ~~commission~~ 48044
department at public or private sale, at or not less than the 48045
price the ~~commission~~ director of transportation determines. The 48046
bonds shall be ~~executed by a voting member of the commission,~~ 48047
~~selected by the commission and approved by the speaker of the~~ 48048
~~house of representatives and the president of the senate, who may~~ 48049
~~use a facsimile signature. The official seal of the commission, or~~ 48050
~~a facsimile, shall be affixed thereto or printed thereon and~~ 48051
~~attested, manually, or by facsimile signature, by the~~ 48052
~~secretary treasurer of the commission. Coupons, if any, attached~~ 48053
~~thereto shall bear the signature or facsimile signature of the~~ 48054
~~chairperson of the commission. In case any officer whose~~ 48055
~~signature, or a facsimile of whose signature appears on any bonds,~~ 48056
~~notes, or coupons ceases to be such officer before delivery of~~ 48057
~~such bonds or notes, such signature or facsimile is nevertheless~~ 48058
~~sufficient for all purposes the same as if the officer had~~ 48059
~~remained in office until such delivery. In case the seal of the~~ 48060
~~commission changes after a facsimile is imprinted on such bonds or~~ 48061
~~notes, such facsimile continues to be sufficient for all purposes~~ 48062
in the form prescribed by the treasurer of state. 48063

(D) Any ~~resolution~~ language authorizing any bonds or any 48064
issue thereof may contain provisions, subject to such agreements 48065
with bondholders or noteholders as may then exist, which 48066
provisions shall be a part of the contract with the holders 48067
thereof, as to pledging all or any part of the revenues of the 48068
~~commission~~ department to secure the payment of the bonds of any 48069
issue thereof; the issue and disposition of revenues of the 48070
~~commission~~ department; the setting aside of reserve funds, sinking 48071
funds, or replacement and improvement funds and the regulation and 48072
disposition thereof; the crediting of the proceeds of the sale of 48073
bonds to and among the funds referred to and provided for in the 48074
~~resolution~~ language authorizing the issuance of the bonds; 48075
providing for the pledge or use of the rail development fund 48076
created by section ~~4981.09~~ 5507.09 of the Revised Code; the use, 48077
lease, sale, or other disposition of any assets of the ~~commission~~ 48078
department; limitations on the purpose to which the proceeds of 48079
the sale of bonds may be applied; the agreement of the ~~commission~~ 48080
department to do all things necessary for the authorization, 48081
issuance, and sale of such bonds which may be issued in such 48082
amounts as may be necessary for the timely retirement of such 48083
bonds; limitation on the issuance of additional bonds which may be 48084
issued and secured; the refunding of outstanding bonds; the 48085
procedure, if any, by which the terms of any contract with 48086
bondholders or noteholders may be amended or abrogated; the amount 48087
of bonds the holders of which must consent may be given; 48088
limitations on the amount of moneys to be expended by the 48089
~~commission~~ department for operating, administrative, or other 48090
expenses of the ~~commission~~ department securing any bonds by a 48091
trust agreement; and any other matter, of like or different 48092
character, which in any way affects the security or protection of 48093
the bonds. 48094

(E) In connection with each such issuance of bonds, the 48095

~~commission~~ department shall establish in its name an improvement 48096
fund or funds in the name of the rail service project or projects 48097
for which the permitted loan or expenditure is to be made. The 48098
proceeds of each issue of bonds, except for any portion thereof 48099
required under the bond proceedings to be deposited in a bond 48100
service fund, bond service reserve fund, or other special fund 48101
established pursuant to the bond proceedings for such issue of 48102
bonds, shall be deposited in the designated fund, and together 48103
with any investment income thereof, shall be held in trust and 48104
applied solely to permitted bond purposes and in accordance with 48105
such bond proceedings. 48106

(F) The right of holders of bonds issued by the ~~commission~~ 48107
department to payment of debt service on such bonds shall be 48108
limited to the pledged receipts and special funds pledged thereto 48109
pursuant to the bond proceedings and any moneys available for such 48110
payment under any credit facility issued with respect to such 48111
bonds. The holders of such bonds shall have no right to have 48112
moneys raised by ad valorem taxation obligated or pledged, and 48113
moneys raised by ad valorem taxation shall not be obligated or 48114
pledged for the payment of debt service on bonds issued by the 48115
~~commission~~ department, except to the extent, if any, that the 48116
general assembly or legislative authority of qualifying 48117
subdivisions and local or regional transportation authorities that 48118
borrows moneys derived from the proceeds of such bonds pledge any 48119
moneys they raise by ad valorem taxation to the repayment of such 48120
borrowings and the moneys so raised and paid to the ~~commission~~ 48121
department are obligated or pledged to the payment of debt service 48122
on the bonds pursuant to the bond proceedings. 48123

(G) The bond proceedings adopted by the ~~commission~~ department 48124
authorizing the issuance of bonds shall provide for the general 48125
purpose thereof and shall specify, ~~or shall authorize one or more~~ 48126
~~officers of the board of directors to determine~~, subject to 48127

limitations set forth in the bond proceedings: the aggregate 48128
principal amount of the bonds; the form and manner of execution 48129
and authentication of the bonds; the principal maturity or 48130
maturities; whether the bonds are to bear interest at a fixed rate 48131
or rates or under a floating rate interest structure; if a fixed 48132
rate or fixed rates of interest are to be borne by the bonds, the 48133
interest rate or rates: if the bonds are to bear interest under a 48134
floating rate interest structure, the manner in which the floating 48135
rate is to be determined for each interest-rate period, the length 48136
of each interest-rate period, and the extent to which and manner 48137
in which the interest-rate period may be changed from time to 48138
time; the put arrangement or arrangements, if any, to be available 48139
to holders of the bonds; and the paying agents, remarketing 48140
agents, indexing agents, or other agents, if any, to be engaged in 48141
connection with the issuance of the bonds. The bond proceedings, 48142
either expressly or by reference to other bond proceedings thereby 48143
approved or otherwise applicable, also shall specify: the pledged 48144
receipts and the special fund or funds to be pledged to secure the 48145
payment of the debt service on the bonds; whether the pledged 48146
receipts are pledged on a basis prior or subordinate to other 48147
expenses, claims, or payments and whether other bonds have been or 48148
may be issued by the ~~commission~~ department secured by the pledged 48149
receipts on a basis prior to or on a parity with the bonds; the 48150
credit facility or facilities, if any, to be obtained with respect 48151
to the bonds; and the rights and remedies that may be exercised by 48152
the holders of the bonds or by a trustee on their behalf upon the 48153
occurrence of an event constituting an event of default under the 48154
bond proceedings, which rights and remedies shall include, except 48155
to the extent restricted by the bond proceedings, any rights and 48156
remedies available under the laws of the state for the enforcement 48157
of the payments required under and any other agreements made in, 48158
the bond proceedings. The bond proceedings, either expressly or by 48159
reference to other bond proceedings thereby approved or otherwise 48160

applicable, also may provide for: the mandatory or optional 48161
redemption of the bonds prior to their stated maturity; 48162
limitations on the issuance of additional bonds by the ~~commission~~ 48163
department; the investment of moneys in the improvement fund and 48164
any special funds, without regard to Chapter 131. or 135. of the 48165
Revised Code, but subject to any provisions of Chapter ~~4981.~~ 5507. 48166
of the Revised Code, and the bond proceedings with respect 48167
thereto; a maximum rate of interest that bonds with a floating 48168
rate interest structure may bear, without regard to section 9.95 48169
of the Revised Code; any restrictions not inconsistent with this 48170
chapter on the amount and terms of and security for the repayment 48171
for loans made to qualifying subdivisions, local or regional 48172
transportation authorities, or other persons from the improvement 48173
fund; and any other term, condition, or provision of or with 48174
respect to the bonds which may be included in the bond 48175
proceedings. 48176

(H) The revenues and any special funds pledged to the payment 48177
of debt service on bonds pursuant to the bond proceedings for such 48178
bonds and thereafter received by the ~~commission~~ department or by 48179
an agent on behalf of the ~~commission~~ department are immediately 48180
subject to the lien of such pledge without any physical delivery 48181
thereof or further act. The lien of any such pledge is valid and 48182
binding against all parties having claims of any kind against the 48183
~~commission~~ department or against any person, qualifying 48184
subdivision, or local or regional transportation authority or 48185
municipal corporation that is an absolute obligor with respect to 48186
such bonds, irrespective of whether such parties have notice 48187
thereof, and shall create a perfected security interest for all 48188
purposes of Chapter 1309. of the Revised Code, without the 48189
necessity for separation or delivery of funds or for the filing or 48190
recording of the bond proceedings by which such pledge is created, 48191
or any certificate, statement, or other document with respect 48192
thereto; and the pledge of such pledged receipts and special funds 48193

is effective and the moneys therefrom and thereof may be applied 48194
to the purposes for which pledged without necessity for any act of 48195
appropriation. Every pledge, and every covenant and agreement made 48196
in the bond proceedings with respect thereto, may therein be 48197
extended to the benefit of the owners and holders of the bonds 48198
authorized to be issued under this section and to any trustee or 48199
paying agent for such owners and holders for further security of 48200
the payment of the debt service on such bonds. 48201

(I) Each duty of the ~~commission department~~ and of its 48202
~~members, directors, or officers~~ employees and each duty of any 48203
other governmental agency and its officials, members, or employees 48204
undertaken pursuant to the bond proceedings or in any 48205
participation agreement is hereby established as a duty of the 48206
~~commission department~~ or of such qualifying subdivision or local 48207
or regional transportation authority or governmental agency and of 48208
each such member, officer, official, or employee having authority 48209
to perform such duty, specifically enjoined by law resulting from 48210
an office, trust, or station within the meaning of section 2731.01 48211
of the Revised Code. ~~The persons who are at the time the members,~~ 48212
~~directors, officers, or employees of the commission are not liable~~ 48213
~~in their personal capacities on any bonds issued by the commission~~ 48214
~~or under any of the bond proceedings with respect thereto~~ Section 48215
9.86 of the Revised Code applies to all bond proceedings under 48216
this chapter. 48217

(J) Bonds issued under this section are lawful investments of 48218
banks, savings and loan associations, deposit guarantee 48219
associations, trust companies, trustees, fiduciaries, insurance 48220
companies, including domestic for life and domestic not for life, 48221
trustees or other officers having charge of sinking and bond 48222
retirement funds or other funds of the state and of political 48223
subdivisions and taxing districts of the state, the commissioners 48224
of the sinking fund of the state, the industrial commission, the 48225

state teachers retirement system, the public employees retirement 48226
system, the school employees retirement system, and the Ohio 48227
police and fire pension fund, notwithstanding any other provisions 48228
of the Revised Code or rules adopted by any state agency with 48229
respect to investments by them, and are also acceptable as 48230
security for the deposit of public moneys. For the purpose of 48231
causing bonds issued by the ~~commission~~ department to be eligible 48232
for investment of interim moneys of the state or any subdivision 48233
of the state under section 135.14 of the Revised Code, but solely 48234
for that purpose, bonds issued by the ~~commission~~ department shall 48235
be deemed to be bonds or other obligations of this state for 48236
purposes of division (B)(4) of section 135.14 of the Revised Code. 48237

(K) The bonds issued by the ~~commission~~ department, the 48238
transfer thereof, and the income therefrom, including any profit 48239
made on the sale thereof, shall at all times be free from taxation 48240
within the state. 48241

(L) Any bonds which recite that they are issued pursuant to 48242
this section, which comply on their face with such section, which 48243
are issued for one or more permitted bond purposes, and for which 48244
the ~~commission~~ department has been paid in full, shall in any 48245
action or proceeding involving their validity be conclusively 48246
deemed to have been issued, sold, executed, and delivered in 48247
conformity with law and shall be incontestable unless such action 48248
or proceeding is begun prior to the delivery of such bonds to the 48249
original purchaser or purchasers thereof. 48250

(M) In the event that the sum of all reserves pledged to the 48251
payment of such bonds shall be less than the minimum reserve 48252
requirements established ~~in any resolution or resolutions~~ 48253
~~authorizing for~~ the issuance of such bonds, the ~~chairperson~~ 48254
director of the ~~commission~~ transportation shall certify, on or 48255
before the first day of December of each year, the amount of such 48256
deficiency to the governor for inclusion, if the governor shall so 48257

elect, of the amount of such deficiency in the budget to be 48258
submitted to the next session of the general assembly for 48259
appropriation to the ~~commission~~ department to be pledged for 48260
payment of such bonds or notes. The general assembly shall not be 48261
required to make any appropriations so requested, and the amount 48262
of such deficiencies do not constitute a debt or liability of the 48263
state. 48264

(N) All property of the ~~commission~~ department is exempt from 48265
levy and sale by virtue of an execution and no execution or other 48266
judicial process may issue against the property. A judgment 48267
against the ~~commission~~ department may not be a charge or lien upon 48268
its property. However, nothing in this section applies to or 48269
limits the rights of the holder of bonds or notes to pursue a 48270
remedy for the enforcement of a pledge or lien given by the bank 48271
on its revenues or other money. 48272

(O) No action to contest the validity of any bonds of the 48273
~~commission~~ department to be sold at public sale may be brought 48274
after the fifteenth day following the first publication of notice 48275
of the sale of the bonds. No action to contest the validity of any 48276
bond sale under this chapter may be brought after the fifth day 48277
following the bond sale. 48278

(P) If bonds are sold at private sale, the ~~commission~~ 48279
department may publish notice of the execution of the contract of 48280
sale of the bonds one time in a newspaper published and of general 48281
circulation in the city of Columbus. If notice is published as 48282
permitted in this division, no action to contest the validity of 48283
such bonds or notes sold at private sale may be brought after the 48284
fifteenth day following the publication of notice of the execution 48285
of the contract of sale pertaining to the bonds. 48286

(Q) If an action challenging the bonds of the ~~commission~~ 48287
department is not brought within the time prescribed by division 48288
(O) or (P) of this section, whichever is applicable, all bonds of 48289

~~the commission~~ shall be conclusively presumed to be fully 48290
authorized and issued under the laws of the state, and a person or 48291
a qualified entity is estopped from questioning their 48292
authorization, sale, issuance, execution, or delivery by the 48293
~~commission~~ department. 48294

(R) Insofar as the provisions of this section are 48295
inconsistent with the provisions of any other law, general, 48296
special, or local, the provisions of this chapter shall be 48297
controlling. 48298

Sec. ~~4981.16~~ 5507.16. The ~~Ohio rail development commission~~ 48299
department of transportation may make the following determinations 48300
in connection with any issuance of its bonds under this chapter: 48301

(A) The number, location, and other characteristics of 48302
projects, including to the extent reasonably possible, assurance 48303
that the projects to be financed by bonds will create or preserve 48304
jobs and employment opportunities or improve the economic welfare 48305
of the people of the state; 48306

(B) Eligibility requirements, including requirements for 48307
credit worthiness, for projects for which loans are made from 48308
proceeds of the bonds. In determining eligibility requirements the 48309
issuer shall take into consideration all of the following factors: 48310

(1) The length of time any borrower has been engaged in rail 48311
service; 48312

(2) The net income or net worth of any borrower; 48313

(3) The availability or feasibility of alternative financing 48314
methods for any borrower; 48315

(C) The type and amount of collateral, security, or credit 48316
enhancement to be provided to assure repayment of loans or of 48317
bonds; 48318

(D) The amounts and types of insurance coverage required on 48319

projects and loans;	48320
(E) Any other matters relating to the exercise of the powers	48321
or duties of the issuer under sections 4981.11 <u>5507.11</u> to 4981.26	48322
<u>5507.26</u> of the Revised Code.	48323
Sec. 4981.17 <u>5507.17</u>. (A) In the discretion of the Ohio rail	48324
development commission <u>department of transportation</u> , the bonds	48325
<u>issued under this chapter</u> may be secured by a trust agreement or	48326
indenture of mortgage between the issuer and a corporate trustee,	48327
which may be any trust company or bank having the powers of a	48328
trust company within or without this state but authorized to	48329
exercise trust powers within this state.	48330
(B) Any such trust agreement or indenture of mortgage may	48331
contain the resolution or ordinance <u>language</u> authorizing the	48332
issuance of the bonds and other provisions that are customary or	48333
appropriate in an agreement or indenture of such type, including,	48334
but not limited to:	48335
(1) A pledge of the rentals, revenues, and other income,	48336
charges, and moneys out of which the principal of and interest on	48337
the bonds shall be payable and a mortgage of all or any part of	48338
the pledged facilities, including any enlargements of and	48339
additions to such pledged facilities thereafter made;	48340
(2) Maintenance of each pledge, trust agreement, and	48341
indenture of mortgage made for the security of any of the bonds	48342
until the issuer has fully paid the principal of and interest on	48343
the bonds, or provision therefor has been made, for the security	48344
of which the pledge has been made and the trust agreement or	48345
indenture of mortgage has been given;	48346
(3) In the event of default in any payments required to be	48347
made by the bond proceedings or any other agreement of the issuer	48348
made as a part of the contract under which the bonds were issued,	48349

enforcement of such payments or agreement by mandamus, the 48350
appointment of a receiver in equity, or if a mortgage has been 48351
given, the foreclosure of such mortgage or any combination of the 48352
foregoing; 48353

(4) The rights and remedies of the bondholders and of the 48354
trustee and provisions for protecting and enforcing them, 48355
including limitations on rights of individual bondholders; 48356

(5) Such other provisions as the trustee, the original 48357
purchaser of the bonds, and the issuer agree upon. 48358

Sec. ~~4981.18~~ 5507.18. (A) Any holder of bonds issued pursuant 48359
to sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code 48360
or a trustee under a trust agreement or indenture of mortgage 48361
entered into pursuant to section ~~4981.17~~ 5507.17 of the Revised 48362
Code, except to the extent that their rights are restricted by the 48363
bond proceedings or by the terms of the bonds, may by any suitable 48364
form of legal proceedings, protect and enforce any rights under 48365
the laws of this state or granted by the bond proceedings. Such 48366
rights include the right to compel the performance of all duties 48367
of the ~~Ohio rail development commission~~ department of 48368
transportation required by sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 48369
5507.26 of the Revised Code or the bond proceedings; to enjoin 48370
unlawful activities; and in the event of default with respect to 48371
the payment of any principal of and interest on any bond or in the 48372
performance of any covenant or agreement on the part of the issuer 48373
in the resolution, ordinance, trust agreement, or indenture, to 48374
apply to a court having jurisdiction of the cause to appoint a 48375
receiver to administer and operate the pledged facilities, the 48376
rentals, revenues, and other income, charges, and moneys of which 48377
are pledged to the payment of principal of and interest on such 48378
bonds or which are the subject of the covenant or agreement, with 48379
full power to pay, and to provide for payment of, principal of and 48380

interest on such bonds, and with such powers, subject to the 48381
direction of the court, as are accorded receivers in general 48382
equity cases, excluding any power to pledge additional rentals, 48383
revenues, or other income, charges, or moneys of the issuer, 48384
including those derived from taxation, to the payment of such 48385
principal and interest; and to foreclose the mortgage on the 48386
pledged facilities in the same manner as for real estate of 48387
private corporations. 48388

(B) No law heretofore or hereafter enacted providing for a 48389
moratorium, postponement, or restraint upon the rights or remedies 48390
of a mortgagee or secured party to enforce a security interest, 48391
whether by foreclosure, collection or taking possession, judicial 48392
or other sale or disposition, or by any other means, shall apply 48393
to a security interest in all or any part of pledged facilities or 48394
in any way restrict, preclude, or otherwise impair the rights or 48395
remedies of the holders of bonds issued under sections ~~4981.11~~ 48396
5507.11 to ~~4981.26~~ 5507.26 of the Revised Code or of any insurer, 48397
guarantor, or provider of a letter of credit or other credit 48398
facility or security enhancement arrangement pertaining to loans 48399
made or bonds issued under sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 48400
5507.26 of the Revised Code. The provisions of this division may 48401
be included as a covenant in any agreement with the holders of 48402
bonds or any insurer, guarantor, or provider of a letter of credit 48403
or other credit facility or security enhancement arrangement 48404
pertaining to loans made or bonds issued under sections ~~4981.11~~ 48405
5507.11 to ~~4981.26~~ 5507.26 of the Revised Code. 48406

Sec. ~~4981.19~~ 5507.19. All bonds issued under sections ~~4981.11~~ 48407
5507.11 to ~~4981.26~~ 5507.26 of the Revised Code are lawful 48408
investments of banks, societies for savings, savings and loan 48409
associations, deposit guarantee associations, trust companies, 48410
trustees, fiduciaries, insurance companies, including domestic for 48411
life and domestic not for life, trustees or other officers having 48412

charge of sinking and bond retirement or other special funds of 48413
political subdivisions and taxing districts of this state, the 48414
commissioners of the sinking fund of the state, the administrator 48415
of workers' compensation, the state teachers retirement system, 48416
the public employees retirement system, the school employees 48417
retirement system, and the Ohio police and fire pension fund, 48418
notwithstanding any other provision of the Revised Code or rules 48419
adopted pursuant thereto by any governmental agency of the state 48420
with respect to investments by them, and are acceptable as 48421
security for the deposit of public moneys. 48422

Sec. ~~4981.20~~ 5507.20. (A) Any real or personal property, or 48423
both, of the ~~Ohio rail development commission~~ department of 48424
transportation that is acquired, constructed, reconstructed, 48425
enlarged, improved, furnished, or equipped, or any combination 48426
thereof, and leased or subleased under authority of sections 48427
~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code shall be 48428
subject to ad valorem, sales, use, and franchise taxes and to 48429
zoning, planning, and building regulations and fees, to the same 48430
extent and in the same manner as if the lessee-user or 48431
sublessee-user thereof, rather than the issuer, had acquired, 48432
constructed, reconstructed, enlarged, improved, furnished, or 48433
equipped, or any combination thereof, such real or personal 48434
property, and title thereto was in the name of such lessee-user or 48435
sublessee-user. 48436

The transfer of tangible personal property by lease or 48437
sublease under authority of sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 48438
5507.26 of the Revised Code is not a sale as used in Chapter 5739. 48439
of the Revised Code. The exemptions provided in divisions (B)(1) 48440
and ~~(14)~~ (12) of section 5739.02 of the Revised Code shall not be 48441
applicable to purchases for a project under sections ~~4981.11~~ 48442
5507.11 to ~~4981.26~~ 5507.26 of the Revised Code. 48443

The issuer shall be exempt from all taxes on its real or personal property, or both, which has been acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, under sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code so long as such property is used by the issuer for purposes which would otherwise exempt such property; has ceased to be used by a former lessee-user or sublessee-user and is not occupied or used; or has been acquired by the issuer but development has not yet commenced. The exemption shall be effective as of the date the exempt use begins. All taxes on the exempt real or personal property for the year should be prorated and the taxes for the exempt portion of the year shall be remitted by the county auditor.

(B) Bonds issued under sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code, the transfer thereof, and the interest and other income from the bonds, including any profit made on the sale thereof, are free from taxation within the state.

Sec. ~~4981.21~~ 5507.21. When a special assessment is made on real property owned by the ~~Ohio rail development commission~~ department of transportation and leased under authority of sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code, the installments of the assessment shall be paid by the lessee of such real property so long as ~~such~~ the property is leased and any installment ~~thereof~~ remaining unpaid at the termination of any ~~such~~ lease shall thereafter be paid by the issuer so long as ~~such~~ the property is owned by it.

Sec. ~~4981.22~~ 5507.22. The ~~Ohio rail development commission~~ department of transportation may issue refunding bonds to refund any bonds it previously issued under sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code, for any of the following

purposes:	48474
(A) Refunding bonds which <u>that</u> have matured or are about to	48475
mature when the rentals, revenues, and other income, charges, and	48476
moneys pledged for the payment of such bonds are insufficient to	48477
pay bonds which <u>that</u> have matured or are about to mature or to	48478
make payments to other funds required by the bond proceedings;	48479
(B) Refunding any bonds as an incident to providing funds for	48480
reconstructing, enlarging, improving, or providing additional	48481
furnishings or equipment for the pledged facilities as to bonds	48482
originally issued under sections 4981.11 <u>5507.11</u> to 4981.26	48483
<u>5507.26</u> of the Revised Code;	48484
(C) Refunding all of the outstanding bonds of any issue, both	48485
matured and unmatured, when the rentals, revenues, or other	48486
income, charges, or moneys pledged for the payment of such bonds	48487
are insufficient to pay bonds which <u>that</u> have matured or are about	48488
to mature or to make payments to other funds required by the bond	48489
proceedings, if such outstanding bonds can be retired by call, at	48490
maturity, or with the consent of the holders thereof, whether from	48491
the proceeds of the sale of the refunding bonds or by exchange for	48492
the refunding bonds, provided that the principal amount of	48493
refunding bonds shall not exceed in amount the aggregate of the	48494
par value of the bonds to be retired, any redemption premium, past	48495
due and future interest to the date of maturity or proposed	48496
redemption that cannot otherwise be paid, and funds, if any, to	48497
reconstruct, enlarge, improve, furnish, or equip, or any	48498
combination thereof, the pledged facilities as to bonds originally	48499
issued under sections 4981.11 <u>5507.11</u> to 4981.26 <u>5507.26</u> of the	48500
Revised Code;	48501
(D) Refunding any bonds of the issuer previously issued when	48502
the refunding bonds will bear interest at a lower rate than the	48503
bonds to be refunded, or when the interest cost of the refunding	48504
bonds computed to absolute maturity will be less than the interest	48505

cost of the bonds to be refunded, or when the average life of the 48506
refunding bonds will be greater than the remaining average life of 48507
the bonds to be refunded. 48508

Refunding bonds issued pursuant to this section shall mature 48509
not later than thirty years from date of issue. Except as provided 48510
in this section, the terms of the issuance and sale of refunding 48511
bonds shall be as provided in sections ~~4981.11~~ 5507.11 to ~~4981.26~~ 48512
5507.26 of the Revised Code for an original issue of bonds. 48513

Sec. ~~4981.23~~ 5507.23. No bonds shall be issued under sections 48514
~~4981.11~~ 5507.11 to ~~4981.26~~ 5507.26 of the Revised Code unless the 48515
~~resolution language~~ authorizing such issuance of bonds specifies 48516
that all wages paid to laborers and mechanics employed on such 48517
projects for which the bonds are issued shall be paid at the 48518
prevailing rates of wages of laborers and mechanics for the class 48519
of work called for by such project, which wages shall be 48520
determined in accordance with the requirements of Chapter 4115. of 48521
the Revised Code for determination of prevailing wage rates, 48522
provided that the requirements of this section do not apply where 48523
the federal government or any of its agencies furnished by loan or 48524
grant all or any part of the funds used in connection with such 48525
project and prescribes predetermined minimum wages to be paid to 48526
such laborers and mechanics; and provided further that should a 48527
nonpublic user beneficiary of the project undertake, as part of 48528
the project, construction to be performed by its regular 48529
bargaining unit employees who are covered under a collective 48530
bargaining agreement ~~which~~ that was in existence prior to the date 48531
of the commitment instrument undertaking to issue bonds then, in 48532
that event, the rate of pay provided under the collective 48533
bargaining agreement may be paid to such employees. 48534

Sec. ~~4981.25~~ 5507.25. In accordance with Section 13 of 48535
Article VIII, Ohio Constitution, the state, acting through the 48536

~~Ohio rail development commission~~ department of transportation, for 48537
the purpose of implementing rail service, may ~~by resolution~~ 48538
designate a corporation organized under Chapter 1702. or 1724. of 48539
the Revised Code as its agency to acquire, construct, reconstruct, 48540
enlarge, improve, furnish, or equip and to sell, lease, exchange, 48541
or otherwise dispose of property and facilities within the state 48542
for industry, commerce, distribution, and research; may approve 48543
such corporation and obligations of the corporation issued by it 48544
for one or more such purposes; and may have a beneficial interest 48545
in such corporation including the right to the property financed 48546
by such obligations on the retirement of such obligations, or by 48547
acquiring such property for endowment or similar uses or benefits 48548
or for ultimate direct use by it, subject to any lease or mortgage 48549
securing such obligations. 48550

Sec. ~~4981.26~~ 5507.26. (A) A project of the ~~Ohio rail~~ 48551
~~development commission~~ department of transportation authorized by 48552
this chapter shall not be subject to the requirements relating to 48553
public buildings, structures, grounds, works, or improvements 48554
imposed by section 125.81, 713.02, or 713.25 of the Revised Code 48555
or any other similar requirements that may be lawfully waived by 48556
this section. 48557

(B) A project of the ~~commission~~ department authorized by this 48558
chapter shall be constructed, reconstructed, enlarged, improved, 48559
furnished, or equipped and shall be leased, sold, or otherwise 48560
disposed of in the manner determined by the issuer in its sole 48561
discretion and any requirement of competitive bidding or other 48562
restriction, which may be lawfully waived by this section, imposed 48563
on the procedure for award of contracts for such purpose or the 48564
lease, sale, or other disposition of property of the issuer is not 48565
applicable to any action taken under sections ~~4981.11~~ 5507.11 to 48566
~~4981.26~~ 5507.26 of the Revised Code. 48567

Sec. ~~4981.28~~ 5507.28. (A) The general assembly hereby finds 48568
and declares that it is in the public interest for private 48569
corporations or organizations to participate in the providing of 48570
rail service through the financing, design, construction, 48571
reconstruction, operation, and maintenance by private persons of 48572
all or part of a rail system, whether as system owners, lessees 48573
from the ~~Ohio rail development commission~~ department of 48574
transportation, or agents for the ~~commission~~ department. 48575

(B) To the extent that any provisions of sections ~~4981.28~~ 48576
~~5507.28~~ to ~~4981.34~~ 5507.34 of the Revised Code conflict with any 48577
state or local statute, regulation, or ordinance, the provisions 48578
of sections ~~4981.28~~ 5507.28 to ~~4981.34~~ 5507.34 of the Revised Code 48579
are controlling. 48580

Sec. ~~4981.29~~ 5507.29. (A) In addition to the powers contained 48581
in section ~~4981.14~~ 5507.14 of the Revised Code, the ~~Ohio rail~~ 48582
~~development commission~~ department of transportation may do all of 48583
the following: 48584

(1) Notwithstanding division (A) of section ~~4981.04~~ 5507.04 48585
of the Revised Code, adopt a plan for private participation in the 48586
financing, design, construction, and operation of all or part of a 48587
rail system; 48588

(2) Grant franchises for terms of up to fifty years and enter 48589
into franchise agreements with private corporations or 48590
organizations in connection therewith. A franchise may be awarded 48591
for the entire rail system or for a designated portion of the 48592
system, such as a corridor. 48593

(3) Use, close, relocate, or alter the grade of existing 48594
streets or highways or facilities of public utilities, and 48595
otherwise ensure compatibility of operation of public facilities 48596
with a franchise, whether in connection with the exercise of the 48597

~~commission's~~ department's power to appropriate property or 48598
otherwise; 48599

(4) Consult with and receive services from other state 48600
agencies and political subdivisions in connection with the 48601
planning, financing, construction, and operation of the rail 48602
system; 48603

(5) In accordance with Chapter 163. of the Revised Code, and 48604
subject to the approval of the director of transportation, 48605
appropriate at a franchisee's expense real property that it may 48606
transfer to the franchisee, if the franchisee previously has made 48607
reasonable efforts to obtain the property in question through 48608
good-faith negotiations; 48609

(6) Make proceeds of bonds issued pursuant to section ~~4981.15~~ 48610
5507.15 of the Revised Code available for financing of all or part 48611
of a privately operated rail system, and serve as the issuer of 48612
bonds to fund loans it may make to private corporations and 48613
organizations under sections ~~4981.01~~ 5507.01 to ~~4981.26~~ 5507.26 of 48614
the Revised Code; 48615

(7) Preserve and defend the confidentiality of trade secrets 48616
and proprietary information received from private corporations or 48617
organizations; 48618

~~(8) Enter into any indemnification agreements that are 48619
necessary to reimburse a franchisee for any injuries or losses 48620
suffered by any person and for which the franchisee is liable and 48621
must pay money damages, if the injuries or losses are of such a 48622
nature that, if the commission were the responsible party instead 48623
of the franchisee, the commission would not be liable for the 48624
injuries or losses due to any immunity it enjoys under the laws of 48625
this state. 48626~~

(B) The ~~commission~~ department shall not regulate the rates or 48627
fares charged by a franchisee or the return on investment received 48628

by a franchisee, provided the rates are not discriminatory and 48629
overall return is not unreasonable. The ~~commission~~ department 48630
shall not regulate operations of a franchisee so long as the 48631
franchisee operates in accordance with all applicable safety 48632
standards. 48633

Sec. ~~4981.30~~ 5507.30. (A) The ~~Ohio rail development~~ 48634
~~commission~~ department of transportation, in accordance with 48635
Chapter 119. of the Revised Code, shall adopt, and may amend and 48636
rescind, rules governing the process whereby a private corporation 48637
or organization may apply to the ~~commission~~ department for a 48638
franchise for all or part of a rail system. The rules also shall 48639
establish the financial and technical criteria upon which a 48640
franchise is awarded. The criteria may include all of the 48641
following: 48642

(1) The qualifications of each applicant, including the 48643
familiarity of the applicant with the transportation needs and 48644
resources of the state and the applicant's prior involvement and 48645
experience with respect to the development of rail service in this 48646
state; 48647

(2) The level of transport services offered; 48648

(3) The technology proposed; 48649

(4) The timetable for construction; 48650

(5) The construction, operation, and management plans; 48651

(6) The financial plan and the applicant's financial ability 48652
to provide reliable service; 48653

(7) Whether the proposed rail system will meet all applicable 48654
state and federal safety requirements; 48655

(8) Any legislative changes that may be necessary in order to 48656
implement the applicant's proposal; 48657

(9) Any plans and studies prepared for the ~~commission~~
department; 48658
48659

(10) The projected ability of each applicant's proposed 48660
revenue sources to meet projected capital and operating funding 48661
requirements. 48662

(B) The ~~commission~~ department may solicit letters of intent 48663
from private corporations or organizations interested in applying 48664
for a franchise, and may require that a nonrefundable fee be 48665
submitted with the letter of intent. Any such fee may be applied 48666
against costs the ~~commission~~ department incurs in evaluating 48667
applications and for subsequent administration of a franchise. 48668

(C) The ~~commission~~ department may request proposals to be 48669
delivered for a franchise to construct, operate, and maintain the 48670
rail system or a portion thereof. 48671

(D) All applications for a franchise shall address the items 48672
contained in divisions (A)(1) to (11) of section ~~4981.04~~ 5507.04 48673
of the Revised Code. 48674

(E) The ~~commission~~ department shall notify all prospective 48675
bidders for a franchise that any private corporation or 48676
organization that is awarded a franchise with respect to the 3-C 48677
corridor shall be obligated to reimburse the ~~commission~~ department 48678
for amounts payable by the ~~commission~~ department, up to a maximum 48679
of one million five hundred thousand dollars, arising out of 48680
commitments of the ~~commission~~ department in connection with the 48681
preparation of the plan under section ~~4981.04~~ 5507.04 of the 48682
Revised Code, and out of other pre-existing contractual 48683
arrangements of the ~~commission~~ department with respect to the 3-C 48684
corridor. 48685

(F) The ~~commission~~ department may award a franchise for the 48686
rail system or a portion of the system to the applicant the 48687
~~commission~~ department determines is best qualified, in accordance 48688

with standards for evaluation of applicants established by rule 48689
and previously announced. 48690

Sec. ~~4981.31~~ 5507.31. (A) The award by the ~~Ohio rail~~ 48691
~~development commission~~ department of transportation of a franchise 48692
for all or part of a rail system shall be the sole license 48693
required for a franchisee to exercise all specified franchise 48694
powers and enjoy all specified franchise rights. The franchise 48695
shall be for a term of not less than thirty-five, but not more 48696
than fifty years from the date of commencement of actual service 48697
operations. ~~With the approval of the general assembly, the~~ 48698
~~commission~~ The department may extend a franchise beyond the time 48699
period specified in the original franchise award, on terms 48700
mutually agreeable to the franchisee and the ~~commission~~ 48701
department. If the ~~commission~~ department does not grant an 48702
extension, any portion of the rail system owned by the franchisee 48703
shall revert to the state upon expiration of the franchise. 48704

(B) In the absence of a material default by a franchisee 48705
under the franchise agreement, any termination by the ~~commission~~ 48706
department of a franchise prior to the expiration of its stated 48707
terms shall be deemed to be either an impairment of contract by 48708
the state or the equivalent of the commencement of an 48709
appropriation action by the state, as the franchisee may elect, 48710
and shall entitle the franchisee to full compensation for its 48711
loss, including reimbursement of all costs incurred in the 48712
development of the franchise. Any terms of the franchise agreement 48713
designed to protect the reasonable expectations of persons 48714
providing financing for the portion of the system comprising the 48715
franchise shall not be affected by any proposed franchise 48716
termination, and any termination based upon an alleged material 48717
default in performance by the franchisee is subject to the hearing 48718
and appeal provisions of Chapter 119. of the Revised Code. 48719

(C) The franchise agreement may authorize the franchisee to 48720
plan, design, finance, construct, operate, and maintain its 48721
designated portion of the rail system and any ancillary system 48722
facilities. 48723

(D) The franchise agreement shall require the franchisee to 48724
construct, operate, and maintain the rail system in accordance 48725
with the franchise agreement. All minimum technical standards for 48726
the design, construction, and operation of the portion of the 48727
system comprising the franchise shall be included in the franchise 48728
agreement or incorporated by reference. The conditions of the 48729
franchise agreement relating to the actual operation of the 48730
trains, including train speed, capacity, construction and 48731
maintenance standards, environmental enhancement and protection, 48732
safety, and noise levels, supersede any conflicting rule, 48733
ordinance, resolution, standard, or charter provision of any 48734
agency or political subdivision of the state. 48735

(E) Provision may be included in the franchise agreement for 48736
a development and construction schedule, subject to extension for 48737
events beyond the control of the franchisee and changes in 48738
applicable state and federal law. 48739

(F) The franchise agreement shall obligate the ~~commission~~ 48740
department, upon request of the franchisee, to assist in obtaining 48741
permits and licenses necessary for the construction and operation 48742
of the rail system and ancillary facilities. 48743

~~(G) If a franchisee develops and either transfers its portion 48744
of the rail system to the commission and then leases that portion 48745
from the commission, or leases its portion to the commission and 48746
continues to operate that portion of the rail system, the state 48747
shall indemnify the franchisee against claims that, if made 48748
against the commission or the state, would be subject to a defense 48749
of sovereign immunity. 48750~~

~~(H)~~ In the franchise agreement, the ~~commission~~ department may furnish the franchisee with reasonable assurances that the state will not take any action that would have the effect of depriving the franchisee of the anticipated economic benefits of franchise operation, including the award of franchises subsequent to the award of the 3-C corridor franchise which have such effect, and that the ~~commission~~ department will take such reasonable actions to dissuade other agencies of the state from taking actions that might have an adverse economic or regulatory impact on the franchisee.

~~(I)~~(H) If more than one franchise is awarded, the franchisees shall bear all costs necessary for the interconnection of their respective franchises, which costs shall be allocated equitably by the ~~commission~~ department.

~~(J)~~(I) After a franchise is awarded, the terms under which it is awarded may be modified only by written agreement of the parties, after observation of notice and comment procedures initially agreed to by the ~~commission~~ department and the franchisee.

~~(K)~~(J) The ~~commission~~ department shall cooperate with the environmental protection agency in the franchise procurement review and award process. In consultation with the agency, the ~~commission~~ department shall adopt or amend reasonable procedural rules in order to simplify and expedite the process by which the franchisee applies for and obtains required state permits.

~~(L)~~(K) The ~~commission~~ department shall assist franchisees in meeting environmental requirements, including, if requested by a franchisee, serving as the lead agency in connection with environmental impact analysis requirements.

Sec. ~~4981.32~~ 5507.32. (A) A franchise agreement shall

authorize the franchisee to do all of the following: 48781

(1) Acquire and dispose of real and personal property and 48782
request the ~~Ohio rail development commission~~ department of 48783
transportation to appropriate real property for sale to the 48784
franchisee in accordance with division (A)(5) of section ~~4981.29~~ 48785
5507.29 of the Revised Code; 48786

(2) Plan, design, finance, construct, reconstruct, improve, 48787
operate, and maintain its portion of the rail system and any 48788
ancillary system facilities; 48789

(3) Set and charge rates and fares for the use of its portion 48790
of the rail system, and retain all revenues in excess of debt 48791
service and operating expenses up to an agreed return on 48792
investment; 48793

(4) Subject to applicable permit requirements, construct and 48794
operate the rail system over or under canals, navigable 48795
watercourses, and existing transportation and public utility 48796
rights-of-way; 48797

(5) Classify users according to reasonable categories for the 48798
assessment of fares, including peak and off-peak time periods; 48799

(6) Make and enforce reasonable regulations regarding usage 48800
and safety of that portion of the rail system comprising its 48801
franchise; 48802

(7) Engage in any other business in addition to that of 48803
operator of its portion of the rail system, including the purchase 48804
and sale of real estate and ownership and operation of ancillary 48805
system facilities; 48806

(8) Establish and fund accounts, including reasonable 48807
reserves for contingencies, maintenance, and replacement, in order 48808
to ensure the availability of funds to meet future obligations of 48809
the franchisee; 48810

(9) Take all other actions it determines necessary and appropriate in the operation of the franchise, so long as those actions comply with the franchise agreement and with applicable state and federal statutes, rules, and regulations.

(B) The franchisee shall do all of the following:

(1) Use best efforts to arrange financing for the construction and operation of that portion of the rail system that comprises its franchise, and pledge assets and revenue as may be necessary to secure repayment of obligations;

(2) Maintain and file with the ~~commission~~ department a schedule of rates and fares, and file and maintain a statement that those rates and fares apply uniformly to all users of the rail system within reasonable categories;

(3) Construct, maintain, and insure the rail system in accordance with standards agreed with the ~~commission~~ department, and permit access for inspection by the ~~commission~~ department. Construction may be performed in stages pursuant to a schedule or program approved by the ~~commission~~ department.

(4) Enlarge or expand its portion of the rail system from time to time, as reflected in initial plans for the franchise and as appropriate to meet market requirements;

(5) Operate the rail system in accordance with applicable legal requirements and any additional reasonable operating and safety standards the ~~commission~~ department approves, or as otherwise may be required by applicable state or federal requirements;

(6) Contract with state, county, or municipal law enforcement agencies, or enter into other arrangements acceptable to the ~~commission~~ department, to provide law enforcement on and around the franchisee's portion of the rail system.

(C) Any instrument by which real property is acquired 48841
pursuant to this section shall identify the agency of the state 48842
that has the use and benefit of the real property as specified in 48843
section 5301.012 of the Revised Code. 48844

Sec. ~~4981.33~~ 5507.33. (A) The ~~Ohio rail development~~ 48845
~~commission~~ department of transportation shall review all plans and 48846
specifications of a franchisee for its portion of a rail system to 48847
ensure that the plans and specifications conform to ~~commission~~ 48848
department standards, and shall inspect and approve the 48849
construction of all portions of the rail system. ~~The commission~~ 48850
~~shall assume responsibility for and indemnify any franchisee for~~ 48851
~~third party claims arising out of franchisee design and~~ 48852
~~construction activities performed without fault that have been~~ 48853
~~reviewed and approved by the commission.~~ 48854

(B) The ~~commission~~ department shall monitor maintenance 48855
practices of a franchisee or its operator to secure and maintain 48856
safety and efficiency in the operation of those portions of the 48857
rail system operated by the franchisee. 48858

(C) All rules adopted by the ~~commission~~ department affecting 48859
the rail system or franchises shall be adopted in accordance with 48860
Chapter 119. of the Revised Code. 48861

(D) The ~~commission~~ department shall not regulate rates and 48862
fares a franchisee charges for its portion of the rail system. 48863

(E) The ~~commission~~ department may require a franchisee to 48864
furnish to the ~~commission~~ department data sufficient to enable it 48865
to verify the franchisee's compliance with all terms of its 48866
franchise agreement. 48867

(F) Except for rules adopted by the ~~commission~~ department or 48868
the franchisee pursuant to sections ~~4981.28~~ 5507.28 to ~~4981.34~~ 48869
5507.34 of the Revised Code, the laws of this state relating to 48870

rail carriers apply to all portions of the rail system, and the 48871
powers of arrest of law enforcement officers on and around any 48872
portion of the rail system are the same there as elsewhere in the 48873
state. 48874

Sec. ~~4981.34~~ 5507.34. (A) On behalf of a franchisee and 48875
pursuant to section ~~4981.15~~ 5507.15 of the Revised Code, the ~~Ohio~~ 48876
~~rail development commission~~ department of transportation may issue 48877
bonds for loans to finance development and construction of a 48878
franchisee's portion of a rail system. Any bonds issued pursuant 48879
to this section do not, and shall state that they do not, 48880
represent or constitute a debt or pledge of the faith and credit 48881
of the state, nor do such bonds grant to the bondholders or 48882
noteholders any right to have the general assembly levy any taxes 48883
or appropriate any funds for the payment of the principal or 48884
interest thereon. Such bonds shall be payable solely from the loan 48885
repayments the ~~commission~~ department receives from the franchisee 48886
to which the loan was made. The loan repayments shall be made from 48887
revenues that the franchisee receives from the operation of its 48888
portion of the rail system and that shall be pledged to repay the 48889
~~commission~~ department, or from such other credit sources as the 48890
franchisee may arrange. 48891

(B) The portion of the rail system awarded to a franchisee, 48892
any elements thereof, or the land upon which a franchise is 48893
situated may be owned by the franchisee or owned by the ~~commission~~ 48894
department and leased to the franchisee for the term of the 48895
franchise. 48896

(C) The rail system may be financed partially by the 48897
~~commission~~ department and partially by franchisees. With respect 48898
to that portion of the rail system financed by the ~~commission~~ 48899
department, the ~~commission~~ department may utilize all of the 48900
bonding and financial authority contained in sections ~~4981.01~~ 48901

5507.01 to ~~4981.26~~ 5507.26 of the Revised Code and also may seek 48902
to obtain state funding or federal financing on behalf of the rail 48903
system. ~~Commission~~ Department financing, credit support, and 48904
financial assistance may not be commingled with private financing 48905
obtained by the franchisee, and any moneys of the ~~commission~~ 48906
department to be expended by the ~~commission~~ department to finance 48907
a portion of a rail system shall be kept in accounts that are 48908
separate and apart from and not a part of the accounts in which 48909
are kept any moneys to be expended by a franchisee to finance its 48910
portion of a rail system. 48911

(D) The franchisee may arrange financing and refinancing of 48912
the system through any combination of debt, equity, and public 48913
sources available to it that it determines in its sole discretion. 48914
A franchisee shall not be precluded from utilizing any type of 48915
public or private assistance available to it in connection with 48916
the development of its franchise. A franchisee shall furnish the 48917
~~commission~~ department all relevant and necessary information with 48918
respect to financing terms to enable the ~~commission~~ department to 48919
exercise its oversight responsibilities with respect to the 48920
franchisee's reasonable return on its investment. 48921

(E) When requested by a franchisee, the ~~commission~~ department 48922
shall seek from the office of budget and management an allotment 48923
of proceeds from the issuance of private activity bonds. The 48924
~~commission~~ department shall distribute those proceeds to 48925
franchisees in such proportions and amounts as it determines in 48926
its discretion. 48927

(F)(1) The ~~commission~~ department may levy and collect special 48928
assessments upon all parcels of real property, other than real 48929
property owned by a railroad corporation, in the immediate 48930
vicinity of any rail system station or terminal of the ~~commission~~ 48931
department or a franchisee, including, without limitation, parcels 48932
that abut, are adjacent or contiguous to, or otherwise increase in 48933

value due to the existence of, the station or terminal. An 48934
assessment levied under this division shall be for the purpose of 48935
enabling the ~~commission~~ department to collect a portion of the 48936
increase in the true value in money of any such parcel of property 48937
subsequent to the commencement of operation of a rail system 48938
station or terminal. All assessments shall be applied, directly or 48939
indirectly, to the development and financing of the portion of the 48940
rail system of which the station or terminal is a part. 48941

(2) Upon written request of the ~~commission~~ department, the 48942
county auditor of a county in which a rail system station or 48943
terminal commences operation shall assess each parcel of real 48944
property that is located in the immediate vicinity of the station 48945
or terminal and that the ~~commission~~ department has reasonable 48946
cause to believe has increased in true value in money because of 48947
the existence of the station or terminal. The county auditor shall 48948
utilize appropriate assessment techniques specified in rules 48949
adopted by the tax commissioner pursuant to Chapter 5713. of the 48950
Revised Code to determine the increase in true value, if any, of 48951
the real property. Any increase shall be measured by comparing the 48952
true value of the real property in the year in which the 48953
~~commission adopted the resolution designating~~ department 48954
designated the location of the station or terminal, as reflected 48955
on the tax list for that year, with the highest true value of the 48956
real property as of the month in which rail system operations 48957
commenced at the station or terminal. The county auditor shall 48958
then determine what percentage of the true value increase, if any, 48959
is directly attributable to the existence of and commencement of 48960
operations at the station or terminal. The county auditor shall 48961
convert the percentage increase to an amount certain, and certify 48962
the results of the assessments to the ~~commission~~ department. 48963
Within thirty days after receipt of the certified results, the 48964
~~commission~~ department shall reimburse the county auditor for the 48965
actual cost to the auditor of making the assessments. 48966

(3) In no case shall any special assessment levied by the 48967
~~commission department~~ upon a parcel of real property exceed twenty 48968
per cent of the increase in the true value of the property that 48969
the county auditor certifies to the ~~commission department~~ as being 48970
directly attributable to the existence of and commencement of 48971
operations at the station or terminal. A special assessment shall 48972
constitute a lien against the property and shall be added to the 48973
tax list and duplicate for collection. Payments on the special 48974
assessment shall be made semiannually at the same time as real 48975
property taxes are required to be paid, but upon written request 48976
of the owner of the real property assessed, the county auditor may 48977
permit the owner to pay the assessment in equal installments over 48978
a period of not longer than ten years. 48979

(4) An owner of real property upon which a special assessment 48980
is levied under this section may file a petition in the court of 48981
common pleas of the county in which the real property is located 48982
challenging any aspect of the assessment, including the fact of 48983
the special assessment itself or the amount. The filing of such a 48984
petition shall stay the collection of any part of the special 48985
assessment, and collection shall not commence until a decision on 48986
the merits is rendered by the court. 48987

(G) Nothing in this section shall be construed as limiting 48988
the power of the ~~commission department~~ to issue bonds pursuant to 48989
section ~~4981.15~~ 5507.15 of the Revised Code for the purposes 48990
stated in that section. 48991

Sec. ~~4981.35~~ 5507.35. The "Interstate High Speed Intercity 48992
Rail Passenger Network Compact" is hereby ratified, enacted into 48993
law and entered into by the state of Ohio with all other states 48994
legally joining therein the form substantially as follows: 48995

"INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER 48996

NETWORK COMPACT 48997

	48998
Article I	48999
Policy and Purpose	49000
Because the beneficial service of and profitability of a high	49001
speed intercity rail passenger system would be enhanced by	49002
establishing such a system which would operate across state lines,	49003
it is the policy of the states party to this compact to cooperate	49004
and share jointly the administrative and financial	49005
responsibilities of preparing a feasibility study concerning the	49006
operation of such a system connecting major cities in Ohio,	49007
Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and	49008
Kentucky.	49009
Article II	49010
Cooperation	49011
The states of Ohio, Indiana, Michigan, Pennsylvania,	49012
Illinois, West Virginia, and Kentucky, hereinafter referred to as	49013
participating states, agree to, upon adoption of this compact by	49014
the respective states, jointly conduct and participate in a high	49015
speed intercity rail passenger feasibility study by providing such	49016
information and data as is available and may be requested by a	49017
participating state or any consulting firms representing a	49018
participating state or the compact. It is mutually understood by	49019
the participating states that such information shall not include	49020
matters not of public record or of a nature considered to be	49021
privileged and confidential unless the state providing such	49022
information agrees to waive the confidentiality.	49023
The participating states further agree to:	49024
(A) Make available to each other and to any consulting firm	49025
representing the member states or the compact such assistance as	49026
may be legal, proper and available, including but not limited to	49027
personnel, equipment, office space, machinery, computers,	49028
engineering and technical advice and services; and	49029

(B) Provide such financial assistance for the implementation 49030
of the feasibility study as may be legal, proper and available. 49031

Article III 49032

Interstate Rail Passenger Advisory Council 49033

There is hereby created an interstate rail passenger advisory 49034
council, the membership of which shall consist of two 49035
representatives from each participating state, one representative 49036
from each state shall hold a bachelor of science degree in either 49037
engineering or transportation science, and shall be appointed by 49038
the governor of the participating state and the other shall be the 49039
chairman of the state's railroad authority, but in the event said 49040
state does not have a railroad authority, the second member shall 49041
be the director of the participating state's transportation 49042
agency. The members shall select designees who shall serve in the 49043
absence of the members. The advisory council shall meet within 49044
thirty days after ratification of this agreement by at least two 49045
participating states and establish rules for the conduct of the 49046
advisory council's business. 49047

The advisory council shall coordinate all aspects of the high 49048
speed intercity rail passenger feasibility study relative to 49049
interstate connections and shall do all other things necessary and 49050
proper for the completion of the feasibility study. 49051

Article IV 49052

Effective Date 49053

This compact shall become effective upon the adoption of the 49054
compact into law by two or more of the participating states. 49055
Thereafter, it shall enter into force and effect as to any other 49056
participating state upon the enactment thereof by such state. 49057

This compact shall continue in force with respect to a 49058
participating state and remain binding upon such state until six 49059
months after such state has given notice to each other 49060

participating state of the repeal thereof. Such withdrawal shall 49061
not be construed to relieve any participating state from any 49062
obligation incurred prior to the end of the state's participation 49063
in the compact as provided herein. 49064

Article V 49065

Construction and Severability 49066

This compact shall be liberally construed so as to effectuate 49067
the purposes thereof. The provisions of this compact shall be 49068
severable and if any phrase, clause, sentence, or provision of 49069
this compact is declared to be contrary to the constitution of any 49070
participating state or of the United States, or the applicability 49071
thereof to any government, agency, person, or circumstance is held 49072
invalid, the validity of the remainder of this compact and the 49073
applicability thereof to any government, agency, person, or 49074
circumstance shall not be affected thereby. If this compact shall 49075
be held contrary to the constitution of any participating state, 49076
the compact shall remain in full force and effect as to the 49077
remaining states and in full force and effect as to the state 49078
affected as to all severable matters." 49079

Sec. ~~4981.36~~ 5507.36. The "Midwest Interstate Passenger Rail 49080
Compact" is hereby ratified, enacted into law, and entered into by 49081
the state of Ohio with all other states legally joining therein in 49082
the form substantially as follows: 49083

"MIDWEST INTERSTATE PASSENGER RAIL COMPACT 49084

The contracting states solemnly agree: 49085

Article I 49086

Statement of Purpose 49087

The purposes of this compact are, through joint or 49088
cooperative action: 49089

A) To promote development and implementation of improvements 49090

to intercity passenger rail service in the Midwest;	49091
B) To coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;	49092 49093
C) To promote development and implementation of long-range plans for high speed rail passenger service in the Midwest and among other regions of the United States;	49094 49095 49096
D) To work with the public and private sectors at the federal, state and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and	49097 49098 49099 49100
E) To support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.	49101 49102
Article II	49103
Establishment of Commission	49104
To further the purposes of the compact, a Commission is created to carry out the duties specified in this compact.	49105 49106
Article III	49107
Commission Membership	49108
The manner of appointment of Commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the Commission.	49109 49110 49111 49112 49113 49114 49115
The Commission shall consist of four resident members of each state as follows: The governor or the governor's designee who shall serve during the tenure of office of the governor, or until a successor is named; one member of the private sector who shall be appointed by the governor and shall serve during the tenure of office of the governor, or until a successor is named; and two	49116 49117 49118 49119 49120 49121

legislators, one from each legislative chamber (or two legislators 49122
from any unicameral legislature), who shall serve two-year terms, 49123
or until successors are appointed, and who shall be appointed by 49124
the appropriate appointing authority in each legislative chamber. 49125
All vacancies shall be filled in accordance with the laws of the 49126
appointing states. Any commissioner appointed to fill a vacancy 49127
shall serve until the end of the incomplete term. Each member 49128
state shall have equal voting privileges, as determined by the 49129
Commission bylaws. 49130

Article IV 49131

Powers and Duties of the Commission 49132

The duties of the Commission are to: 49133

1) Advocate for the funding and authorization necessary to 49134
make passenger rail improvements a reality for the region; 49135

2) Identify and seek to develop ways that states can form 49136
partnerships, including with rail industry and labor, to implement 49137
improved passenger rail in the region; 49138

3) Seek development of a long-term, interstate plan for high 49139
speed rail passenger service implementation; 49140

4) Cooperate with other agencies, regions and entities to 49141
ensure that the Midwest is adequately represented and integrated 49142
into national plans for passenger rail development; 49143

5) Adopt bylaws governing the activities and procedures of 49144
the Commission and addressing, among other subjects: the powers 49145
and duties of officers; the voting rights of Commission members, 49146
voting procedures, Commission business, and any other purposes 49147
necessary to fulfill the duties of the Commission; 49148

6) Expend such funds as required to carry out the powers and 49149
duties of the Commission; and 49150

7) Report on the activities of the Commission to the 49151

legislatures and governor of the member states on an annual basis.	49152
In addition to its exercise of these duties, the Commission	49153
is empowered to:	49154
1) Provide multistate advocacy necessary to implement	49155
passenger rail systems or plans, as approved by the Commission;	49156
2) Work with local elected officials, economic development	49157
planning organizations, and similar entities to raise the	49158
visibility of passenger rail service benefits and needs;	49159
3) Educate other state officials, federal agencies, other	49160
elected officials and the public on the advantages of passenger	49161
rail as an integral part of an intermodal transportation system in	49162
the region;	49163
4) Work with federal agency officials and Members of Congress	49164
to ensure the funding and authorization necessary to develop a	49165
long-term, interstate plan for high speed rail passenger service	49166
implementation.	49167
5) Make recommendations to members states;	49168
6) If requested by each state participating in a particular	49169
project and under the terms of a formal agreement approved by the	49170
participating states and the Commission, implement or provide	49171
oversight for specific rail projects;	49172
7) Establish an office and hire staff as necessary;	49173
8) Contract for or provide services;	49174
9) Assess dues, in accordance with the terms of this compact;	49175
10) Conduct research; and	49176
11) Establish committees.	49177
Article V	49178
Officers	49179
The Commission shall annually elect from among its members a	49180

chair, a vice-chair who shall not be a resident of the state 49181
represented by the chair, and others as approved in the Commission 49182
bylaws. The officers shall perform such functions and exercise 49183
such powers as are specified in the Commission bylaws. 49184

Article VI 49185

Meetings and Commission Administration 49186

The Commission shall meet at least once in each calendar 49187
year, and at such other times as may be determined by the 49188
Commission. Commission business shall be conducted in accordance 49189
with the procedures and voting rights specified in the bylaws. 49190

Article VII 49191

Finance 49192

Except as otherwise provided for, the monies necessary to 49193
finance the general operations of the Commission in carrying forth 49194
its duties, responsibilities and powers as stated herein shall be 49195
appropriated to the Commission by the compacting states, when 49196
authorized by the respective legislatures, by equal apportionment 49197
among the compacting states. Nothing in this compact shall be 49198
construed to commit a member state to participate in financing a 49199
rail project except as provided by law of a member state. 49200

The Commission may accept, for any of its purposes and 49201
functions, donations, gifts, grants, and appropriations of money, 49202
equipment, supplies, materials and services from the federal 49203
government, from any party state or from any department, agency, 49204
or municipality thereof, or from any institution, person, firm, or 49205
corporation. All expenses incurred by the Commission in executing 49206
the duties imposed upon it by this compact shall be paid by the 49207
Commission out of the funds available to it. The Commission shall 49208
not issue any debt instrument. The Commission shall submit to the 49209
officer designated by the laws of each party state, periodically 49210
as required by the laws of each party state, a budget of its 49211
actual past and estimated future expenditures. 49212

Article VIII	49213
Enactment, Effective Date and Amendments	49214
The states of Illinois, Indiana, Iowa, Kansas, Michigan,	49215
Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota	49216
and Wisconsin are eligible to join this compact. Upon approval of	49217
the Commission, according to its bylaws, other states may also be	49218
declared eligible to join the compact. As to any eligible party	49219
state, this compact shall become effective when its legislature	49220
shall have enacted the same into law; provided that it shall not	49221
become initially effective until enacted into law by any three (3)	49222
party states incorporating the provisions of this compact into the	49223
laws of such states. Amendments to the compact shall become	49224
effective upon their enactment by the legislatures of all	49225
compacting states.	49226
Article IX	49227
Withdrawal, Default and Termination	49228
Withdrawal from this compact shall be by enactment of a	49229
statute repealing the same and shall take effect one year after	49230
the effective date of such statute. A withdrawing state shall be	49231
liable for any obligations which it may have incurred prior to the	49232
effective date of withdrawal.	49233
If any compacting state shall at any time default in the	49234
performance of any of its obligations, assumed or imposed, in	49235
accordance with the provisions of this compact, all rights,	49236
privileges and benefits conferred by this compact or agreements	49237
hereunder shall be suspended from the effective date of such	49238
default as fixed by the Commission, and the Commission shall	49239
stipulate the conditions and maximum time for compliance under	49240
which the defaulting state may resume its regular status. Unless	49241
such default shall be remedied under the stipulations and within	49242
the time period set forth by the Commission, this compact may be	49243
terminated with respect to such defaulting state by affirmative	49244

vote of a majority of the other Commission members. Any such 49245
defaulting state may be reinstated, upon vote of the Commission, 49246
by performing all acts and obligations as stipulated by the 49247
Commission. 49248

Article X 49249

Construction and Severability 49250

The provisions of this compact entered into hereunder shall 49251
be severable and if any phrase, clause, sentence or provision of 49252
this compact is declared to be contrary to the constitution of any 49253
compacting state or of the United States or the applicability 49254
thereof to any government, agency, person or circumstance is held 49255
invalid, the validity of the remainder of this compact and the 49256
applicability thereof to any government, agency, person or 49257
circumstance shall not be affected hereby. If this compact entered 49258
into hereunder shall be held contrary to the constitution of any 49259
compacting state, the compact shall remain in full force and 49260
effect as to the remaining states and in full force and effect as 49261
to the state affected as to all severable matters. The provisions 49262
of this compact entered into pursuant hereto shall be liberally 49263
construed to effectuate the purposes thereof." 49264

Sec. ~~4981.361~~ 5507.361. In pursuance of Articles II and III 49265
of the Midwest Interstate Passenger Rail Compact, as set forth in 49266
section ~~4981.36~~ 5507.36 of the Revised Code, there shall be four 49267
members of the commission from this state. 49268

The governor shall appoint two members as set forth in 49269
Article III of the compact. The terms of office for the governor's 49270
appointments shall be in accordance with Article III of the 49271
compact. 49272

The speaker of the house of representatives and the president 49273
of the senate each shall appoint one member from their respective 49274
houses of the general assembly to serve as a member of the 49275

commission, but the two appointees shall not be members of the 49276
same political party. Terms of office for legislative appointees 49277
shall be in accordance with Article III of the compact. 49278

Any member shall continue in office subsequent to the 49279
expiration of the member's term until a successor is appointed. 49280
Vacancies in the commission shall be filled in the same manner as 49281
original selections are made. Any member of the commission may be 49282
reappointed. 49283

Except for the purposes of Chapters 102., 2744., and 2921. of 49284
the Revised Code, serving as a member of the commission does not 49285
constitute holding a public office or position of employment under 49286
the laws of this state and does not constitute grounds for removal 49287
of public officers or employees from their offices or positions of 49288
employment. 49289

The governor, speaker, or president may remove a member for 49290
whom the governor, speaker, or president was the appointing 49291
authority, for misfeasance, malfeasance, or willful neglect of 49292
duty. 49293

Members of the commission shall serve without compensation, 49294
but shall be reimbursed for the reasonable expenses incurred by 49295
them in the discharge of their duties as members of the 49296
commission. 49297

Sec. 5513.01. (A) All purchases of machinery, materials, 49298
supplies, or other articles that the director of transportation 49299
makes shall be in the manner provided in this section. In all 49300
cases except those in which the director provides written 49301
authorization for purchases by district deputy directors of 49302
transportation, all such purchases shall be made at the central 49303
office of the department of transportation in Columbus. Before 49304
making any purchase at that office, the director, as provided in 49305
this section, shall give notice to bidders of the director's 49306

intention to purchase. Where the expenditure does not exceed the 49307
amount applicable to the purchase of supplies specified in 49308
division (B)(1) of section 125.05 of the Revised Code, as adjusted 49309
pursuant to division (D) of that section, the director shall give 49310
such notice as the director considers proper, or the director may 49311
make the purchase without notice. Where the expenditure exceeds 49312
the amount applicable to the purchase of supplies specified in 49313
division (B)(1) of section 125.05 of the Revised Code, as adjusted 49314
pursuant to division (D) of that section, the director shall give 49315
notice by posting for not less than ten days a written, typed, or 49316
printed invitation to bidders on a bulletin board, which shall be 49317
located in a place in the offices assigned to the department and 49318
open to the public during business hours. Producers or 49319
distributors of any product may notify the director, in writing, 49320
of the class of articles for the furnishing of which they desire 49321
to bid and their post-office addresses, in which case copies of 49322
all invitations to bidders relating to the purchase of such 49323
articles shall be mailed to such persons by the director by 49324
regular first class mail at least ten days prior to the time fixed 49325
for taking bids. The director also may mail copies of all 49326
invitations to bidders to news agencies or other agencies or 49327
organizations distributing information of this character. Requests 49328
for invitations shall not be valid nor require action by the 49329
director unless renewed, either annually or after such shorter 49330
period as the director may prescribe by a general rule. The 49331
invitation to bidders shall contain a brief statement of the 49332
general character of the article that it is intended to purchase, 49333
the approximate quantity desired, and a statement of the time and 49334
place where bids will be received, and may relate to and describe 49335
as many different articles as the director thinks proper, it being 49336
the intent and purpose of this section to authorize the inclusion 49337
in a single invitation of as many different articles as the 49338
director desires to invite bids upon at any given time. 49339

Invitations issued during each calendar year shall be given 49340
consecutive numbers, and the number assigned to each invitation 49341
shall appear on all copies thereof. In all cases where notice is 49342
required by this section, sealed bids shall be taken, on forms 49343
prescribed and furnished by the director, and modification of bids 49344
after they have been opened shall not be permitted. 49345

(B) The director may permit any political subdivision and any 49346
state university or college to participate in contracts into which 49347
the director has entered for the purchase of machinery, materials, 49348
supplies, or other articles. Any political subdivision or state 49349
university or college desiring to participate in such purchase 49350
contracts shall file with the director a certified copy of the 49351
ordinance or resolution of its legislative authority, board of 49352
trustees, or other governing board requesting authorization to 49353
participate in such contracts and agreeing to be bound by such 49354
terms and conditions as the director prescribes. Purchases made by 49355
political subdivisions or state universities or colleges under 49356
this division are exempt from any competitive bidding required by 49357
law for the purchase of machinery, materials, supplies, or other 49358
articles. 49359

(C) As used in this section: 49360

(1) "Political subdivision" means any county, township, 49361
municipal corporation, conservancy district, township park 49362
district, park district created under Chapter 1545. of the Revised 49363
Code, port authority, regional transit authority, regional airport 49364
authority, regional water and sewer district, or county transit 49365
board. 49366

(2) "State university or college" has the same meaning as in 49367
division (A)(1) of section 3345.32 of the Revised Code. 49368

Sec. 5515.07. (A) The director of transportation, in 49369
accordance with Chapter 119. of the Revised Code, shall adopt 49370

rules consistent with the safety of the traveling public and 49371
consistent with the national policy to govern the use and control 49372
of rest areas within the limits of the right-of-way of interstate 49373
highways and other state highways and in other areas within the 49374
limits of the right-of-way of interstate highways. 49375

(B) Except as provided in division (C) of this section, no 49376
person shall engage in selling or offering for sale or exhibiting 49377
for purposes of sale, goods, products, merchandise, or services 49378
within the bounds of rest areas within the limits of the 49379
right-of-way of interstate highways and other state highways, or 49380
in other areas within the limits of the right-of-way of interstate 49381
highways, unless the director issues a permit in accordance with 49382
section 5515.01 of the Revised Code. Notwithstanding any rules 49383
adopted by the director to the contrary or any other policy 49384
changes proposed by the director, each district deputy director of 49385
the department of transportation shall continue to implement any 49386
program allowing organizations to dispense free coffee or similar 49387
items after obtaining a permit that operated within the district 49388
prior to January 1, 1997. Each district deputy director shall 49389
operate such program within the district in the same manner as the 49390
program was operated prior to that date. 49391

(C) In accordance with rules adopted under division (A) of 49392
this section, the director may cause vending machines to be placed 49393
within each rest area that is able to accommodate the machines. 49394
The vending machines shall dispense food, drink, and other 49395
appropriate articles. 49396

(D) This section does not apply to the sale of goods, 49397
products, merchandise, or services required for the emergency 49398
repair of motor vehicles or emergency medical treatment, or to the 49399
department of transportation as provided in section 5515.08 of the 49400
Revised Code. 49401

Sec. 5515.08. (A) The department of transportation may 49402
contract to sell commercial advertising space within or on the 49403
outside surfaces of any building located within a roadside rest 49404
area under its jurisdiction in exchange for cash payment. Money 49405
the department receives under this section shall be deposited in 49406
the state treasury to the credit of the roadside rest area 49407
improvement fund, which is hereby created. The department shall 49408
use the money in the fund only to improve roadside rest areas in 49409
accordance with section 5529.06 of the Revised Code. 49410

(B) Advertising placed under this section shall comply with 49411
all of the following: 49412

(1) It shall not be libelous or obscene and shall not promote 49413
any illegal product or service. 49414

(2) It shall not promote illegal discrimination on the basis 49415
of the race, religion, national origin, handicap, age, or ancestry 49416
of any person. 49417

(3) It shall not support or oppose any candidate for 49418
political office or any political cause, issue, or organization. 49419

(4) It shall comply with any controlling federal or state 49420
regulations or restrictions. 49421

(5) To the extent physically and technically practical, it 49422
shall state that the advertisement is a paid commercial 49423
advertisement and that the state does not endorse the product or 49424
service promoted by the advertisement or make any representation 49425
about the accuracy of the advertisement or the quality or 49426
performance of the product or service promoted by the 49427
advertisement. 49428

(6) It shall conform to all applicable rules adopted by the 49429
director of transportation under division (E) of this section. 49430

(C) Contracts entered into under this section shall be 49431

awarded only to the qualified bidder who submits the highest 49432
responsive bid or according to uniformly applied rate classes. 49433

(D) No person, except an advertiser alleging a breach of 49434
contract or the improper awarding of a contract, has a cause of 49435
action against the state with respect to any contract or 49436
advertising authorized by this section. Under no circumstances is 49437
the state liable for consequential or noneconomic damages with 49438
respect to any contract or advertising authorized under this 49439
section. 49440

(E) The director, in accordance with Chapter 119. of the 49441
Revised Code, shall adopt rules to implement this section. The 49442
rules shall be consistent with the policy of protecting the safety 49443
of the traveling public and consistent with the national policy 49444
governing the use and control of such roadside rest areas. The 49445
rules shall regulate the awarding of contracts and may regulate 49446
the content, display, and other aspects of the commercial 49447
advertising authorized by this section. 49448

Sec. 5519.01. If the director of transportation is unable to 49449
purchase property for any purpose related to highways, roads, ~~or~~ 49450
~~bridges, or rail~~ authorized by Chapters 5501., 5503., 5507., 49451
5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 49452
5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code, 49453
~~or, if the Ohio rail development commission is unable to purchase~~ 49454
~~property for any purpose necessary for the implementation of rail~~ 49455
~~service under Chapter 4981. of the Revised Code,~~ the director 49456
~~shall issue, or the commission shall enter on the records of the~~ 49457
~~commission,~~ a finding that it is necessary, for the public 49458
convenience and welfare, to appropriate such property as the 49459
director ~~or commission~~ considers needed for such purposes. The 49460
finding shall contain a definite, accurate, and detailed 49461
description of the property, and the name and place of residence, 49462

if known or with reasonable diligence ascertainable, of the owner 49463
of the property appropriated. ~~The commission shall submit to the~~ 49464
~~director a copy of its record finding that the appropriation of~~ 49465
~~property is necessary. The commission shall not proceed with the~~ 49466
~~appropriation unless it is first approved by the director.~~ 49467

The director ~~or commission~~, in such finding, shall fix what 49468
the director ~~or commission~~ considers to be the value of such 49469
property appropriated, together with damages to the residue, and 49470
deposit the value thereof, together with the damages, with the 49471
probate court or the court of common pleas of the county within 49472
which the property, or a part thereof, is situated. The power to 49473
appropriate property for any purpose authorized by such chapters 49474
shall be exercised in the manner provided in sections 163.01 to 49475
163.22 of the Revised Code. 49476

Any instrument by which real property is acquired pursuant to 49477
this section shall identify the agency of the state that has the 49478
use and benefit of the real property as specified in section 49479
5301.012 of the Revised Code. 49480

Sec. 5705.19. This section does not apply to school districts 49481
or county school financing districts. 49482

The taxing authority of any subdivision at any time and in 49483
any year, by vote of two-thirds of all the members of the taxing 49484
authority, may declare by resolution and certify the resolution to 49485
the board of elections not less than seventy-five days before the 49486
election upon which it will be voted that the amount of taxes that 49487
may be raised within the ten-mill limitation will be insufficient 49488
to provide for the necessary requirements of the subdivision and 49489
that it is necessary to levy a tax in excess of that limitation 49490
for any of the following purposes: 49491

(A) For current expenses of the subdivision, except that the 49492
total levy for current expenses of a detention facility district 49493

or district organized under section 2151.65 of the Revised Code 49494
shall not exceed two mills and that the total levy for current 49495
expenses of a combined district organized under sections 2152.41 49496
and 2151.65 of the Revised Code shall not exceed four mills; 49497

(B) For the payment of debt charges on certain described 49498
bonds, notes, or certificates of indebtedness of the subdivision 49499
issued subsequent to January 1, 1925; 49500

(C) For the debt charges on all bonds, notes, and 49501
certificates of indebtedness issued and authorized to be issued 49502
prior to January 1, 1925; 49503

(D) For a public library of, or supported by, the subdivision 49504
under whatever law organized or authorized to be supported; 49505

(E) For a municipal university, not to exceed two mills over 49506
the limitation of one mill prescribed in section 3349.13 of the 49507
Revised Code; 49508

(F) For the construction or acquisition of any specific 49509
permanent improvement or class of improvements that the taxing 49510
authority of the subdivision may include in a single bond issue; 49511

(G) For the general construction, reconstruction, 49512
resurfacing, and repair of streets, roads, and bridges in 49513
municipal corporations, counties, or townships; 49514

(H) For parks and recreational purposes; 49515

(I) For the purpose of providing and maintaining fire 49516
apparatus, appliances, buildings, or sites therefor, or sources of 49517
water supply and materials therefor, or the establishment and 49518
maintenance of lines of fire alarm telegraph, or the payment of 49519
permanent, part-time, or volunteer firefighters or firefighting 49520
companies to operate the same, including the payment of the 49521
firefighter employers' contribution required under section 742.34 49522
of the Revised Code, or the purchase of ambulance equipment, or 49523

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 49554
operating, or any combination of the foregoing, a county transit 49555
system pursuant to sections 306.01 to 306.13 of the Revised Code, 49556
or of making any payment to a board of county commissioners 49557
operating a transit system or a county transit board pursuant to 49558
section 306.06 of the Revised Code; 49559

(R) For the subdivision's share of the cost of acquiring or 49560
constructing any schools, forestry camps, detention facilities, or 49561
other facilities, or any combination thereof, under section 49562
2152.41 or 2151.65 of the Revised Code or both of those sections; 49563

(S) For the prevention, control, and abatement of air 49564
pollution; 49565

(T) For maintaining and operating cemeteries; 49566

(U) For providing ambulance service, emergency medical 49567
service, or both; 49568

(V) For providing for the collection and disposal of garbage 49569
or refuse, including yard waste; 49570

(W) For the payment of the police officer employers' 49571
contribution or the firefighter employers' contribution required 49572
under sections 742.33 and 742.34 of the Revised Code; 49573

(X) For the construction and maintenance of a drainage 49574
improvement pursuant to section 6131.52 of the Revised Code; 49575

(Y) For providing or maintaining senior citizens services or 49576
facilities as authorized by section 307.694, 307.85, 505.70, or 49577
505.706 or division (EE) of section 717.01 of the Revised Code; 49578

(Z) For the provision and maintenance of zoological park 49579
services and facilities as authorized under section 307.76 of the 49580
Revised Code; 49581

(AA) For the maintenance and operation of a free public 49582
museum of art, science, or history; 49583

(BB) For the establishment and operation of a 9-1-1 system, 49584
as defined in section 4931.40 of the Revised Code; 49585

(CC) For the purpose of acquiring, rehabilitating, or 49586
developing rail property or rail service. As used in this 49587
division, "rail property" and "rail service" have the same 49588
meanings as in section ~~4981.01~~ 5507.01 of the Revised Code. This 49589
division applies only to a county, township, or municipal 49590
corporation. 49591

(DD) For the purpose of acquiring property for, constructing, 49592
operating, and maintaining community centers as provided for in 49593
section 755.16 of the Revised Code; 49594

(EE) For the creation and operation of an office or joint 49595
office of economic development, for any economic development 49596
purpose of the office, and to otherwise provide for the 49597
establishment and operation of a program of economic development 49598
pursuant to sections 307.07 and 307.64 of the Revised Code; 49599

(FF) For the purpose of acquiring, establishing, 49600
constructing, improving, equipping, maintaining, or operating, or 49601
any combination of the foregoing, a township airport, landing 49602
field, or other air navigation facility pursuant to section 505.15 49603
of the Revised Code; 49604

(GG) For the payment of costs incurred by a township as a 49605
result of a contract made with a county pursuant to section 49606
505.263 of the Revised Code in order to pay all or any part of the 49607
cost of constructing, maintaining, repairing, or operating a water 49608
supply improvement; 49609

(HH) For a board of township trustees to acquire, other than 49610
by appropriation, an ownership interest in land, water, or 49611
wetlands, or to restore or maintain land, water, or wetlands in 49612
which the board has an ownership interest, not for purposes of 49613
recreation, but for the purposes of protecting and preserving the 49614

natural, scenic, open, or wooded condition of the land, water, or 49615
wetlands against modification or encroachment resulting from 49616
occupation, development, or other use, which may be styled as 49617
protecting or preserving "greenspace" in the resolution, notice of 49618
election, or ballot form; 49619

(II) For the support by a county of a crime victim assistance 49620
program that is provided and maintained by a county agency or a 49621
private, nonprofit corporation or association under section 307.62 49622
of the Revised Code; 49623

(JJ) For any or all of the purposes set forth in divisions 49624
(I) and (J) of this section. This division applies only to a 49625
township. 49626

(KK) For a countywide public safety communications system 49627
under section 307.63 of the Revised Code. This division applies 49628
only to counties. 49629

(LL) For the support by a county of criminal justice services 49630
under section 307.45 of the Revised Code; 49631

(MM) For the purpose of maintaining and operating a jail or 49632
other detention facility as defined in section 2921.01 of the 49633
Revised Code; 49634

(NN) For purchasing, maintaining, or improving, or any 49635
combination of the foregoing, real estate on which to hold 49636
agricultural fairs. This division applies only to a county. 49637

(OO) For constructing, rehabilitating, repairing, or 49638
maintaining sidewalks, walkways, trails, bicycle pathways, or 49639
similar improvements, or acquiring ownership interests in land 49640
necessary for the foregoing improvements; 49641

(PP) For both of the purposes set forth in divisions (G) and 49642
(OO) of this section. 49643

(QQ) For both of the purposes set forth in divisions (H) and 49644

(HH) of this section. This division applies only to a township. 49645

(RR) For the legislative authority of a municipal 49646
corporation, board of county commissioners of a county, or board 49647
of township trustees of a township to acquire agricultural 49648
easements, as defined in section 5301.67 of the Revised Code, and 49649
to supervise and enforce the easements. 49650

(SS) For both of the purposes set forth in divisions (BB) and 49651
(KK) of this section. This division applies only to a county. 49652

The resolution shall be confined to the purpose or purposes 49653
described in one division of this section, to which the revenue 49654
derived therefrom shall be applied. The existence in any other 49655
division of this section of authority to levy a tax for any part 49656
or all of the same purpose or purposes does not preclude the use 49657
of such revenues for any part of the purpose or purposes of the 49658
division under which the resolution is adopted. 49659

The resolution shall specify the amount of the increase in 49660
rate that it is necessary to levy, the purpose of that increase in 49661
rate, and the number of years during which the increase in rate 49662
shall be in effect, which may or may not include a levy upon the 49663
duplicate of the current year. The number of years may be any 49664
number not exceeding five, except as follows: 49665

(1) When the additional rate is for the payment of debt 49666
charges, the increased rate shall be for the life of the 49667
indebtedness. 49668

(2) When the additional rate is for any of the following, the 49669
increased rate shall be for a continuing period of time: 49670

(a) For the current expenses for a detention facility 49671
district, a district organized under section 2151.65 of the 49672
Revised Code, or a combined district organized under sections 49673
2152.41 and 2151.65 of the Revised Code; 49674

(b) For providing a county's share of the cost of maintaining 49675
and operating schools, district detention facilities, forestry 49676
camps, or other facilities, or any combination thereof, 49677
established under section 2152.41 or 2151.65 of the Revised Code 49678
or under both of those sections. 49679

(3) When the additional rate is for either of the following, 49680
the increased rate may be for a continuing period of time: 49681

(a) For the purposes set forth in division (I), (J), (U), or 49682
(KK) of this section; 49683

(b) For the maintenance and operation of a joint recreation 49684
district. 49685

(4) When the increase is for the purpose or purposes set 49686
forth in division (D), (G), (H), (CC), or (PP) of this section, 49687
the tax levy may be for any specified number of years or for a 49688
continuing period of time, as set forth in the resolution. 49689

(5) When the additional rate is for the purpose described in 49690
division (Z) of this section, the increased rate shall be for any 49691
number of years not exceeding ten. 49692

A levy for one of the purposes set forth in division (G), 49693
(I), (J), or (U) of this section may be reduced pursuant to 49694
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 49695
the purposes set forth in division (G), (I), (J), or (U) of this 49696
section may also be terminated or permanently reduced by the 49697
taxing authority if it adopts a resolution stating that the 49698
continuance of the levy is unnecessary and the levy shall be 49699
terminated or that the millage is excessive and the levy shall be 49700
decreased by a designated amount. 49701

A resolution of a detention facility district, a district 49702
organized under section 2151.65 of the Revised Code, or a combined 49703
district organized under both sections 2152.41 and 2151.65 of the 49704

Revised Code may include both current expenses and other purposes, 49705
provided that the resolution shall apportion the annual rate of 49706
levy between the current expenses and the other purpose or 49707
purposes. The apportionment need not be the same for each year of 49708
the levy, but the respective portions of the rate actually levied 49709
each year for the current expenses and the other purpose or 49710
purposes shall be limited by the apportionment. 49711

Whenever a board of county commissioners, acting either as 49712
the taxing authority of its county or as the taxing authority of a 49713
sewer district or subdistrict created under Chapter 6117. of the 49714
Revised Code, by resolution declares it necessary to levy a tax in 49715
excess of the ten-mill limitation for the purpose of constructing, 49716
improving, or extending sewage disposal plants or sewage systems, 49717
the tax may be in effect for any number of years not exceeding 49718
twenty, and the proceeds of the tax, notwithstanding the general 49719
provisions of this section, may be used to pay debt charges on any 49720
obligations issued and outstanding on behalf of the subdivision 49721
for the purposes enumerated in this paragraph, provided that any 49722
such obligations have been specifically described in the 49723
resolution. 49724

The resolution shall go into immediate effect upon its 49725
passage, and no publication of the resolution is necessary other 49726
than that provided for in the notice of election. 49727

When the electors of a subdivision have approved a tax levy 49728
under this section, the taxing authority of the subdivision may 49729
anticipate a fraction of the proceeds of the levy and issue 49730
anticipation notes in accordance with section 5705.191 or 5705.193 49731
of the Revised Code. 49732

Sec. 5705.41. No subdivision or taxing unit shall: 49733

(A) Make any appropriation of money except as provided in 49734
Chapter 5705. of the Revised Code; provided, that the 49735

authorization of a bond issue shall be deemed to be an 49736
appropriation of the proceeds of the bond issue for the purpose 49737
for which such bonds were issued, but no expenditure shall be made 49738
from any bond fund until first authorized by the taxing authority; 49739

(B) Make any expenditure of money unless it has been 49740
appropriated as provided in such chapter; 49741

(C) Make any expenditure of money except by a proper warrant 49742
drawn against an appropriate fund; 49743

(D)(1) Except as otherwise provided in division (D)(2) of 49744
this section and section 5705.44 of the Revised Code, make any 49745
contract or give any order involving the expenditure of money 49746
unless there is attached thereto a certificate of the fiscal 49747
officer of the subdivision that the amount required to meet the 49748
obligation or, in the case of a continuing contract to be 49749
performed in whole or in part in an ensuing fiscal year, the 49750
amount required to meet the obligation in the fiscal year in which 49751
the contract is made, has been lawfully appropriated for such 49752
purpose and is in the treasury or in process of collection to the 49753
credit of an appropriate fund free from any previous encumbrances. 49754
This certificate need be signed only by the subdivision's fiscal 49755
officer. Every such contract made without such a certificate shall 49756
be void, and no warrant shall be issued in payment of any amount 49757
due thereon. If no certificate is furnished as required, upon 49758
receipt by the taxing authority of the subdivision or taxing unit 49759
of a certificate of the fiscal officer stating that there was at 49760
the time of the making of such contract or order and at the time 49761
of the execution of such certificate a sufficient sum appropriated 49762
for the purpose of such contract and in the treasury or in process 49763
of collection to the credit of an appropriate fund free from any 49764
previous encumbrances, such taxing authority may authorize the 49765
drawing of a warrant in payment of amounts due upon such contract, 49766
but such resolution or ordinance shall be passed within thirty 49767

days after the taxing authority receives such certificate; 49768
provided that, if the amount involved is less than one hundred 49769
dollars in the case of counties or three thousand dollars in the 49770
case of all other subdivisions or taxing units, the fiscal officer 49771
may authorize it to be paid without such affirmation of the taxing 49772
authority of the subdivision or taxing unit, if such expenditure 49773
is otherwise valid. 49774

(2) Annually, the board of county commissioners may adopt a 49775
resolution exempting for the current fiscal year county purchases 49776
of seven hundred fifty dollars or less from the requirement of 49777
division (D)(1) of this section that a certificate be attached to 49778
any contract or order involving the expenditure of money. The 49779
resolution shall state the dollar amount that is exempted from the 49780
certificate requirement and whether the exemption applies to all 49781
purchases, to one or more specific classes of purchases, or to the 49782
purchase of one or more specific items. Prior to the adoption of 49783
the resolution, the board shall give written notice to the county 49784
auditor that it intends to adopt the resolution. The notice shall 49785
state the dollar amount that is proposed to be exempted and 49786
whether the exemption would apply to all purchases, to one or more 49787
specific classes of purchases, or to the purchase of one or more 49788
specific items. The county auditor may review and comment on the 49789
proposal, and shall send any comments to the board within fifteen 49790
days after receiving the notice. The board shall wait at least 49791
fifteen days after giving the notice to the auditor before 49792
adopting the resolution. A person authorized to make a county 49793
purchase in a county that has adopted such a resolution shall 49794
prepare and file with the county auditor, within three business 49795
days after incurring an obligation not requiring a certificate, a 49796
written document specifying the purpose and amount of the 49797
expenditure, the date of the purchase, the name of the vendor, and 49798
such additional information as the auditor of state may prescribe. 49799

(3) Upon certification by the auditor or other chief fiscal officer that a certain sum of money, not in excess of ~~five thousand dollars~~ an amount established by resolution or ordinance adopted by a majority of the members of the legislative authority of the subdivision or taxing unit, 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~~ specified 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 upon the certification by the fiscal officer of the subdivision that this sum of money has

been lawfully appropriated, authorized, or directed for a 49832
permitted purpose and is in the treasury or in the process of 49833
collection to the credit of the specific line-item appropriation 49834
account in the specified fund free from previous and 49835
then-outstanding obligations or certifications; provided that the 49836
aggregate sum of money included in and called for by the 49837
expenditures, orders, and obligations shall not exceed the 49838
certified sum. The purposes for which a subdivision may lawfully 49839
appropriate, authorize, or issue such a certificate are the 49840
services of an accountant, architect, attorney at law, physician, 49841
professional engineer, construction project manager, consultant, 49842
surveyor, or appraiser by or on behalf of the subdivision or 49843
contracting authority; fuel oil, gasoline, food items, roadway 49844
materials, and utilities; and any purchases exempt from 49845
competitive bidding under section 125.04 of the Revised Code and 49846
any other specific expenditure that is a recurring and reasonably 49847
predictable operating expense. Such a certification shall not 49848
extend beyond the end of the fiscal year or, in the case of a 49849
board of county commissioners that has established a quarterly 49850
spending plan under section 5705.392 of the Revised Code, beyond 49851
the quarter to which the plan applies. Such a certificate shall be 49852
signed by the fiscal officer and may, but need not, be limited to 49853
a specific vendor. An itemized statement of obligations incurred 49854
and expenditures made under such a certificate shall be rendered 49855
to the fiscal officer for each certificate issued. More than one 49856
such certificate may be outstanding at any time. 49857

In any case in which a contract is entered into upon a per 49858
unit basis, the head of the department, board, or commission for 49859
the benefit of which the contract is made shall make an estimate 49860
of the total amount to become due upon such contract, which 49861
estimate shall be certified in writing to the fiscal officer of 49862
the subdivision. Such a contract may be entered into if the 49863
appropriation covers such estimate, or so much thereof as may be 49864

due during the current year. In such a case the certificate of the 49865
fiscal officer based upon the estimate shall be a sufficient 49866
compliance with the law requiring a certificate. 49867

Any certificate of the fiscal officer attached to a contract 49868
shall be binding upon the political subdivision as to the facts 49869
set forth therein. Upon request of any person receiving an order 49870
or entering into a contract with any political subdivision, the 49871
certificate of the fiscal officer shall be attached to such order 49872
or contract. "Contract" as used in this section excludes current 49873
payrolls of regular employees and officers. 49874

Taxes and other revenue in process of collection, or the 49875
proceeds to be derived from authorized bonds, notes, or 49876
certificates of indebtedness sold and in process of delivery, 49877
shall for the purpose of this section be deemed in the treasury or 49878
in process of collection and in the appropriate fund. This section 49879
applies neither to the investment of sinking funds by the trustees 49880
of such funds, nor to investments made under sections 731.56 to 49881
731.59 of the Revised Code. 49882

No district authority shall, in transacting its own affairs, 49883
do any of the things prohibited to a subdivision by this section, 49884
but the appropriation referred to shall become the appropriation 49885
by the district authority, and the fiscal officer referred to 49886
shall mean the fiscal officer of the district authority. 49887

Sec. 5709.62. (A) In any municipal corporation that is 49888
defined by the United States office of management and budget as a 49889
central city of a metropolitan statistical area, the legislative 49890
authority of the municipal corporation may designate one or more 49891
areas within its municipal corporation as proposed enterprise 49892
zones. Upon designating an area, the legislative authority shall 49893
petition the director of development for certification of the area 49894
as having the characteristics set forth in division (A)(1) of 49895

section 5709.61 of the Revised Code as amended by Substitute 49896
Senate Bill No. 19 of the 120th general assembly. Except as 49897
otherwise provided in division (E) of this section, on and after 49898
July 1, 1994, legislative authorities shall not enter into 49899
agreements under this section unless the legislative authority has 49900
petitioned the director and the director has certified the zone 49901
under this section as amended by that act; however, all agreements 49902
entered into under this section as it existed prior to July 1, 49903
1994, and the incentives granted under those agreements shall 49904
remain in effect for the period agreed to under those agreements. 49905
Within sixty days after receiving such a petition, the director 49906
shall determine whether the area has the characteristics set forth 49907
in division (A)(1) of section 5709.61 of the Revised Code, and 49908
shall forward the findings to the legislative authority of the 49909
municipal corporation. If the director certifies the area as 49910
having those characteristics, and thereby certifies it as a zone, 49911
the legislative authority may enter into an agreement with an 49912
enterprise under division (C) of this section. 49913

(B) Any enterprise that wishes to enter into an agreement 49914
with a municipal corporation under division (C) of this section 49915
shall submit a proposal to the legislative authority of the 49916
municipal corporation on a form prescribed by the director of 49917
development, together with the application fee established under 49918
section 5709.68 of the Revised Code. The form shall require the 49919
following information: 49920

(1) An estimate of the number of new employees whom the 49921
enterprise intends to hire, or of the number of employees whom the 49922
enterprise intends to retain, within the zone at a facility that 49923
is a project site, and an estimate of the amount of payroll of the 49924
enterprise attributable to these employees; 49925

(2) An estimate of the amount to be invested by the 49926
enterprise to establish, expand, renovate, or occupy a facility, 49927

including investment in new buildings, additions or improvements 49928
to existing buildings, machinery, equipment, furniture, fixtures, 49929
and inventory; 49930

(3) A listing of the enterprise's current investment, if any, 49931
in a facility as of the date of the proposal's submission. 49932

The enterprise shall review and update the listings required 49933
under this division to reflect material changes, and any agreement 49934
entered into under division (C) of this section shall set forth 49935
final estimates and listings as of the time the agreement is 49936
entered into. The legislative authority may, on a separate form 49937
and at any time, require any additional information necessary to 49938
determine whether an enterprise is in compliance with an agreement 49939
and to collect the information required to be reported under 49940
section 5709.68 of the Revised Code. 49941

(C) Upon receipt and investigation of a proposal under 49942
division (B) of this section, if the legislative authority finds 49943
that the enterprise submitting the proposal is qualified by 49944
financial responsibility and business experience to create and 49945
preserve employment opportunities in the zone and improve the 49946
economic climate of the municipal corporation, the legislative 49947
authority, on or before ~~June 30, 2004~~ October 15, 2009, may do one 49948
of the following: 49949

(1) Enter into an agreement with the enterprise under which 49950
the enterprise agrees to establish, expand, renovate, or occupy a 49951
facility and hire new employees, or preserve employment 49952
opportunities for existing employees, in return for one or more of 49953
the following incentives: 49954

(a) Exemption for a specified number of years, not to exceed 49955
ten, of a specified portion, up to seventy-five per cent, of the 49956
assessed value of tangible personal property first used in 49957
business at the project site as a result of the agreement. An 49958

exemption granted pursuant to this division applies to inventory 49959
required to be listed pursuant to sections 5711.15 and 5711.16 of 49960
the Revised Code, except that, in the instance of an expansion or 49961
other situations in which an enterprise was in business at the 49962
facility prior to the establishment of the zone, the inventory 49963
that is exempt is that amount or value of inventory in excess of 49964
the amount or value of inventory required to be listed in the 49965
personal property tax return of the enterprise in the return for 49966
the tax year in which the agreement is entered into. 49967

(b) Exemption for a specified number of years, not to exceed 49968
ten, of a specified portion, up to seventy-five per cent, of the 49969
increase in the assessed valuation of real property constituting 49970
the project site subsequent to formal approval of the agreement by 49971
the legislative authority; 49972

(c) Provision for a specified number of years, not to exceed 49973
ten, of any optional services or assistance that the municipal 49974
corporation is authorized to provide with regard to the project 49975
site. 49976

(2) Enter into an agreement under which the enterprise agrees 49977
to remediate an environmentally contaminated facility, to spend an 49978
amount equal to at least two hundred fifty per cent of the true 49979
value in money of the real property of the facility prior to 49980
remediation as determined for the purposes of property taxation to 49981
establish, expand, renovate, or occupy the remediated facility, 49982
and to hire new employees or preserve employment opportunities for 49983
existing employees at the remediated facility, in return for one 49984
or more of the following incentives: 49985

(a) Exemption for a specified number of years, not to exceed 49986
ten, of a specified portion, not to exceed fifty per cent, of the 49987
assessed valuation of the real property of the facility prior to 49988
remediation; 49989

(b) Exemption for a specified number of years, not to exceed 49990
ten, of a specified portion, not to exceed one hundred per cent, 49991
of the increase in the assessed valuation of the real property of 49992
the facility during or after remediation; 49993

(c) The incentive under division (C)(1)(a) of this section, 49994
except that the percentage of the assessed value of such property 49995
exempted from taxation shall not exceed one hundred per cent; 49996

(d) The incentive under division (C)(1)(c) of this section. 49997

(3) Enter into an agreement with an enterprise that plans to 49998
purchase and operate a large manufacturing facility that has 49999
ceased operation or announced its intention to cease operation, in 50000
return for exemption for a specified number of years, not to 50001
exceed ten, of a specified portion, up to one hundred per cent, of 50002
the assessed value of tangible personal property used in business 50003
at the project site as a result of the agreement, or of the 50004
assessed valuation of real property constituting the project site, 50005
or both. 50006

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 50007
section, the portion of the assessed value of tangible personal 50008
property or of the increase in the assessed valuation of real 50009
property exempted from taxation under those divisions may exceed 50010
seventy-five per cent in any year for which that portion is 50011
exempted if the average percentage exempted for all years in which 50012
the agreement is in effect does not exceed sixty per cent, or if 50013
the board of education of the city, local, or exempted village 50014
school district within the territory of which the property is or 50015
will be located approves a percentage in excess of seventy-five 50016
per cent. For the purpose of obtaining such approval, the 50017
legislative authority shall deliver to the board of education a 50018
notice not later than forty-five days prior to approving the 50019
agreement, excluding Saturdays, Sundays, and legal holidays as 50020

defined in section 1.14 of the Revised Code. The notice shall 50021
state the percentage to be exempted, an estimate of the true value 50022
of the property to be exempted, and the number of years the 50023
property is to be exempted. The board of education, by resolution 50024
adopted by a majority of the board, shall approve or disapprove 50025
the agreement and certify a copy of the resolution to the 50026
legislative authority not later than fourteen days prior to the 50027
date stipulated by the legislative authority as the date upon 50028
which approval of the agreement is to be formally considered by 50029
the legislative authority. The board of education may include in 50030
the resolution conditions under which the board would approve the 50031
agreement, including the execution of an agreement to compensate 50032
the school district under division (B) of section 5709.82 of the 50033
Revised Code. The legislative authority may approve the agreement 50034
at any time after the board of education certifies its resolution 50035
approving the agreement to the legislative authority, or, if the 50036
board approves the agreement conditionally, at any time after the 50037
conditions are agreed to by the board and the legislative 50038
authority. 50039

If a board of education has adopted a resolution waiving its 50040
right to approve agreements and the resolution remains in effect, 50041
approval of an agreement by the board is not required under this 50042
division. If a board of education has adopted a resolution 50043
allowing a legislative authority to deliver the notice required 50044
under this division fewer than forty-five business days prior to 50045
the legislative authority's approval of the agreement, the 50046
legislative authority shall deliver the notice to the board not 50047
later than the number of days prior to such approval as prescribed 50048
by the board in its resolution. If a board of education adopts a 50049
resolution waiving its right to approve agreements or shortening 50050
the notification period, the board shall certify a copy of the 50051
resolution to the legislative authority. If the board of education 50052
rescinds such a resolution, it shall certify notice of the 50053

rescission to the legislative authority. 50054

(2) The legislative authority shall comply with section 50055
5709.83 of the Revised Code unless the board of education has 50056
adopted a resolution under that section waiving its right to 50057
receive such notice. 50058

(E) This division applies to zones certified by the director 50059
of development under this section prior to July 22, 1994. 50060

On or before ~~June 30, 2004~~ October 15, 2009, the legislative 50061
authority that designated a zone to which this division applies 50062
may enter into an agreement with an enterprise if the legislative 50063
authority makes the finding required under that division and 50064
determines that the enterprise satisfies one of the criteria 50065
described in divisions (E)(1) to (5) of this section: 50066

(1) The enterprise currently has no operations in this state 50067
and, subject to approval of the agreement, intends to establish 50068
operations in the zone; 50069

(2) The enterprise currently has operations in this state 50070
and, subject to approval of the agreement, intends to establish 50071
operations at a new location in the zone that would not result in 50072
a reduction in the number of employee positions at any of the 50073
enterprise's other locations in this state; 50074

(3) The enterprise, subject to approval of the agreement, 50075
intends to relocate operations, currently located in another 50076
state, to the zone; 50077

(4) The enterprise, subject to approval of the agreement, 50078
intends to expand operations at an existing site in the zone that 50079
the enterprise currently operates; 50080

(5) The enterprise, subject to approval of the agreement, 50081
intends to relocate operations, currently located in this state, 50082
to the zone, and the director of development has issued a waiver 50083

for the enterprise under division (B) of section 5709.633 of the Revised Code. 50084
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The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section. 50086
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(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this division, if the legislative authority revokes its designation of a zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement. 50091
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(G) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee charged against an enterprise, but such a waiver or reduction does not affect the 50098
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obligations of the legislative authority or the tax incentive 50116
review council to comply with section 5709.68 or 5709.85 of the 50117
Revised Code. 50118

(H) When an agreement is entered into pursuant to this 50119
section, the legislative authority authorizing the agreement shall 50120
forward a copy of the agreement to the director of development and 50121
to the tax commissioner within fifteen days after the agreement is 50122
entered into. If any agreement includes terms not provided for in 50123
section 5709.631 of the Revised Code affecting the revenue of a 50124
city, local, or exempted village school district or causing 50125
revenue to be foregone by the district, including any compensation 50126
to be paid to the school district pursuant to section 5709.82 of 50127
the Revised Code, those terms also shall be forwarded in writing 50128
to the director of development along with the copy of the 50129
agreement forwarded under this division. 50130

(I) After an agreement is entered into, the enterprise shall 50131
file with each personal property tax return required to be filed, 50132
or annual report required to be filed under section 5727.08 of the 50133
Revised Code, while the agreement is in effect, an informational 50134
return, on a form prescribed by the tax commissioner for that 50135
purpose, setting forth separately the property, and related costs 50136
and values, exempted from taxation under the agreement. 50137

(J) Enterprises may agree to give preference to residents of 50138
the zone within which the agreement applies relative to residents 50139
of this state who do not reside in the zone when hiring new 50140
employees under the agreement. 50141

(K) An agreement entered into under this section may include 50142
a provision requiring the enterprise to create one or more 50143
temporary internship positions for students enrolled in a course 50144
of study at a school or other educational institution in the 50145
vicinity, and to create a scholarship or provide another form of 50146
educational financial assistance for students holding such a 50147

position in exchange for the student's commitment to work for the 50148
enterprise at the completion of the internship. 50149

Sec. 5709.63. (A) With the consent of the legislative 50150
authority of each affected municipal corporation or of a board of 50151
township trustees, a board of county commissioners may, in the 50152
manner set forth in section 5709.62 of the Revised Code, designate 50153
one or more areas in one or more municipal corporations or in 50154
unincorporated areas of the county as proposed enterprise zones. A 50155
board of county commissioners may designate no more than one area 50156
within a township, or within adjacent townships, as a proposed 50157
enterprise zone. The board shall petition the director of 50158
development for certification of the area as having the 50159
characteristics set forth in division (A)(1) or (2) of section 50160
5709.61 of the Revised Code as amended by Substitute Senate Bill 50161
No. 19 of the 120th general assembly. Except as otherwise provided 50162
in division (D) of this section, on and after July 1, 1994, boards 50163
of county commissioners shall not enter into agreements under this 50164
section unless the board has petitioned the director and the 50165
director has certified the zone under this section as amended by 50166
that act; however, all agreements entered into under this section 50167
as it existed prior to July 1, 1994, and the incentives granted 50168
under those agreements shall remain in effect for the period 50169
agreed to under those agreements. The director shall make the 50170
determination in the manner provided under section 5709.62 of the 50171
Revised Code. Any enterprise wishing to enter into an agreement 50172
with the board under division (B) or (D) of this section shall 50173
submit a proposal to the board on the form and accompanied by the 50174
application fee prescribed under division (B) of section 5709.62 50175
of the Revised Code. The enterprise shall review and update the 50176
estimates and listings required by the form in the manner required 50177
under that division. The board may, on a separate form and at any 50178
time, require any additional information necessary to determine 50179

whether an enterprise is in compliance with an agreement and to 50180
collect the information required to be reported under section 50181
5709.68 of the Revised Code. 50182

(B) If the board of county commissioners finds that an 50183
enterprise submitting a proposal is qualified by financial 50184
responsibility and business experience to create and preserve 50185
employment opportunities in the zone and to improve the economic 50186
climate of the municipal corporation or municipal corporations or 50187
the unincorporated areas in which the zone is located and to which 50188
the proposal applies, the board, on or before ~~June 30, 2004~~ 50189
October 15, 2009, and with the consent of the legislative 50190
authority of each affected municipal corporation or of the board 50191
of township trustees may do either of the following: 50192

(1) Enter into an agreement with the enterprise under which 50193
the enterprise agrees to establish, expand, renovate, or occupy a 50194
facility in the zone and hire new employees, or preserve 50195
employment opportunities for existing employees, in return for the 50196
following incentives: 50197

(a) When the facility is located in a municipal corporation, 50198
the board may enter into an agreement for one or more of the 50199
incentives provided in division (C) of section 5709.62 of the 50200
Revised Code, subject to division (D) of that section; 50201

(b) When the facility is located in an unincorporated area, 50202
the board may enter into an agreement for one or more of the 50203
following incentives: 50204

(i) Exemption for a specified number of years, not to exceed 50205
ten, of a specified portion, up to sixty per cent, of the assessed 50206
value of tangible personal property first used in business at a 50207
project site as a result of the agreement. An exemption granted 50208
pursuant to this division applies to inventory required to be 50209
listed pursuant to sections 5711.15 and 5711.16 of the Revised 50210

Code, except, in the instance of an expansion or other situations 50211
in which an enterprise was in business at the facility prior to 50212
the establishment of the zone, the inventory that is exempt is 50213
that amount or value of inventory in excess of the amount or value 50214
of inventory required to be listed in the personal property tax 50215
return of the enterprise in the return for the tax year in which 50216
the agreement is entered into. 50217

(ii) Exemption for a specified number of years, not to exceed 50218
ten, of a specified portion, up to sixty per cent, of the increase 50219
in the assessed valuation of real property constituting the 50220
project site subsequent to formal approval of the agreement by the 50221
board; 50222

(iii) Provision for a specified number of years, not to 50223
exceed ten, of any optional services or assistance the board is 50224
authorized to provide with regard to the project site; 50225

(iv) The incentive described in division (C)(2) of section 50226
5709.62 of the Revised Code. 50227

(2) Enter into an agreement with an enterprise that plans to 50228
purchase and operate a large manufacturing facility that has 50229
ceased operation or has announced its intention to cease 50230
operation, in return for exemption for a specified number of 50231
years, not to exceed ten, of a specified portion, up to one 50232
hundred per cent, of tangible personal property used in business 50233
at the project site as a result of the agreement, or of real 50234
property constituting the project site, or both. 50235

(C)(1) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 50236
this section, the portion of the assessed value of tangible 50237
personal property or of the increase in the assessed valuation of 50238
real property exempted from taxation under those divisions may 50239
exceed sixty per cent in any year for which that portion is 50240
exempted if the average percentage exempted for all years in which 50241

the agreement is in effect does not exceed fifty per cent, or if 50242
the board of education of the city, local, or exempted village 50243
school district within the territory of which the property is or 50244
will be located approves a percentage in excess of sixty per cent. 50245
For the purpose of obtaining such approval, the board of 50246
commissioners shall deliver to the board of education a notice not 50247
later than forty-five days prior to approving the agreement, 50248
excluding Saturdays, Sundays, and legal holidays as defined in 50249
section 1.14 of the Revised Code. The notice shall state the 50250
percentage to be exempted, an estimate of the true value of the 50251
property to be exempted, and the number of years the property is 50252
to be exempted. The board of education, by resolution adopted by a 50253
majority of the board, shall approve or disapprove the agreement 50254
and certify a copy of the resolution to the board of commissioners 50255
not later than fourteen days prior to the date stipulated by the 50256
board of commissioners as the date upon which approval of the 50257
agreement is to be formally considered by the board of 50258
commissioners. The board of education may include in the 50259
resolution conditions under which the board would approve the 50260
agreement, including the execution of an agreement to compensate 50261
the school district under division (B) of section 5709.82 of the 50262
Revised Code. The board of county commissioners may approve the 50263
agreement at any time after the board of education certifies its 50264
resolution approving the agreement to the board of county 50265
commissioners, or, if the board of education approves the 50266
agreement conditionally, at any time after the conditions are 50267
agreed to by the board of education and the board of county 50268
commissioners. 50269

If a board of education has adopted a resolution waiving its 50270
right to approve agreements and the resolution remains in effect, 50271
approval of an agreement by the board of education is not required 50272
under division (C) of this section. If a board of education has 50273
adopted a resolution allowing a board of county commissioners to 50274

deliver the notice required under this division fewer than 50275
forty-five business days prior to approval of the agreement by the 50276
board of county commissioners, the board of county commissioners 50277
shall deliver the notice to the board of education not later than 50278
the number of days prior to such approval as prescribed by the 50279
board of education in its resolution. If a board of education 50280
adopts a resolution waiving its right to approve agreements or 50281
shortening the notification period, the board of education shall 50282
certify a copy of the resolution to the board of county 50283
commissioners. If the board of education rescinds such a 50284
resolution, it shall certify notice of the rescission to the board 50285
of county commissioners. 50286

(2) The board of county commissioners shall comply with 50287
section 5709.83 of the Revised Code unless the board of education 50288
has adopted a resolution under that section waiving its right to 50289
receive such notice. 50290

(D) This division applies to zones certified by the director 50291
of development under this section prior to July 22, 1994. 50292

On or before ~~June 30, 2004~~ October 15, 2009, and with the 50293
consent of the legislative authority of each affected municipal 50294
corporation or board of township trustees of each affected 50295
township, the board of commissioners that designated a zone to 50296
which this division applies may enter into an agreement with an 50297
enterprise if the board makes the finding required under that 50298
division and determines that the enterprise satisfies one of the 50299
criteria described in divisions (D)(1) to (5) of this section: 50300

(1) The enterprise currently has no operations in this state 50301
and, subject to approval of the agreement, intends to establish 50302
operations in the zone; 50303

(2) The enterprise currently has operations in this state 50304
and, subject to approval of the agreement, intends to establish 50305

operations at a new location in the zone that would not result in 50306
a reduction in the number of employee positions at any of the 50307
enterprise's other locations in this state; 50308

(3) The enterprise, subject to approval of the agreement, 50309
intends to relocate operations, currently located in another 50310
state, to the zone; 50311

(4) The enterprise, subject to approval of the agreement, 50312
intends to expand operations at an existing site in the zone that 50313
the enterprise currently operates; 50314

(5) The enterprise, subject to approval of the agreement, 50315
intends to relocate operations, currently located in this state, 50316
to the zone, and the director of development has issued a waiver 50317
for the enterprise under division (B) of section 5709.633 of the 50318
Revised Code. 50319

The agreement shall require the enterprise to agree to 50320
establish, expand, renovate, or occupy a facility in the zone and 50321
hire new employees, or preserve employment opportunities for 50322
existing employees, in return for one or more of the incentives 50323
described in division (B) of this section. 50324

(E) All agreements entered into under this section shall be 50325
in the form prescribed under section 5709.631 of the Revised Code. 50326
After an agreement under this section is entered into, if the 50327
board of county commissioners revokes its designation of the zone, 50328
or if the director of development revokes the zone's 50329
certification, any entitlements granted under the agreement shall 50330
continue for the number of years specified in the agreement. 50331

(F) Except as otherwise provided in this paragraph, an 50332
agreement entered into under this section shall require that the 50333
enterprise pay an annual fee equal to the greater of one per cent 50334
of the dollar value of incentives offered under the agreement or 50335
five hundred dollars; provided, however, that if the value of the 50336

incentives exceeds two hundred fifty thousand dollars, the fee 50337
shall not exceed two thousand five hundred dollars. The fee shall 50338
be payable to the board of commissioners once per year for each 50339
year the agreement is effective on the days and in the form 50340
specified in the agreement. Fees paid shall be deposited in a 50341
special fund created for such purpose by the board and shall be 50342
used by the board exclusively for the purpose of complying with 50343
section 5709.68 of the Revised Code and by the tax incentive 50344
review council created under section 5709.85 of the Revised Code 50345
exclusively for the purposes of performing the duties prescribed 50346
under that section. The board may waive or reduce the amount of 50347
the fee charged against an enterprise, but such waiver or 50348
reduction does not affect the obligations of the board or the tax 50349
incentive review council to comply with section 5709.68 or 5709.85 50350
of the Revised Code, respectively. 50351

(G) With the approval of the legislative authority of a 50352
municipal corporation or the board of township trustees of a 50353
township in which a zone is designated under division (A) of this 50354
section, the board of county commissioners may delegate to that 50355
legislative authority or board any powers and duties of the board 50356
to negotiate and administer agreements with regard to that zone 50357
under this section. 50358

(H) When an agreement is entered into pursuant to this 50359
section, the legislative authority authorizing the agreement shall 50360
forward a copy of the agreement to the director of development and 50361
to the tax commissioner within fifteen days after the agreement is 50362
entered into. If any agreement includes terms not provided for in 50363
section 5709.631 of the Revised Code affecting the revenue of a 50364
city, local, or exempted village school district or causing 50365
revenue to be foregone by the district, including any compensation 50366
to be paid to the school district pursuant to section 5709.82 of 50367
the Revised Code, those terms also shall be forwarded in writing 50368

to the director of development along with the copy of the 50369
agreement forwarded under this division. 50370

(I) After an agreement is entered into, the enterprise shall 50371
file with each personal property tax return required to be filed, 50372
or annual report that is required to be filed under section 50373
5727.08 of the Revised Code, while the agreement is in effect, an 50374
informational return, on a form prescribed by the tax commissioner 50375
for that purpose, setting forth separately the property, and 50376
related costs and values, exempted from taxation under the 50377
agreement. 50378

(J) Enterprises may agree to give preference to residents of 50379
the zone within which the agreement applies relative to residents 50380
of this state who do not reside in the zone when hiring new 50381
employees under the agreement. 50382

(K) An agreement entered into under this section may include 50383
a provision requiring the enterprise to create one or more 50384
temporary internship positions for students enrolled in a course 50385
of study at a school or other educational institution in the 50386
vicinity, and to create a scholarship or provide another form of 50387
educational financial assistance for students holding such a 50388
position in exchange for the student's commitment to work for the 50389
enterprise at the completion of the internship. 50390

Sec. 5709.632. (A)(1) The legislative authority of a 50391
municipal corporation defined by the United States office of 50392
management and budget as a central city of a metropolitan 50393
statistical area may, in the manner set forth in section 5709.62 50394
of the Revised Code, designate one or more areas in the municipal 50395
corporation as a proposed enterprise zone. 50396

(2) With the consent of the legislative authority of each 50397
affected municipal corporation or of a board of township trustees, 50398
a board of county commissioners may, in the manner set forth in 50399

section 5709.62 of the Revised Code, designate one or more areas 50400
in one or more municipal corporations or in unincorporated areas 50401
of the county as proposed urban jobs and enterprise zones, except 50402
that a board of county commissioners may designate no more than 50403
one area within a township, or within adjacent townships, as a 50404
proposed urban jobs and enterprise zone. 50405

(3) The legislative authority or board of county 50406
commissioners may petition the director of development for 50407
certification of the area as having the characteristics set forth 50408
in division (A)(3) of section 5709.61 of the Revised Code. Within 50409
sixty days after receiving such a petition, the director shall 50410
determine whether the area has the characteristics set forth in 50411
that division and forward the findings to the legislative 50412
authority or board of county commissioners. If the director 50413
certifies the area as having those characteristics and thereby 50414
certifies it as a zone, the legislative authority or board may 50415
enter into agreements with enterprises under division (B) of this 50416
section. Any enterprise wishing to enter into an agreement with a 50417
legislative authority or board of commissioners under this section 50418
and satisfying one of the criteria described in divisions (B)(1) 50419
to (5) of this section shall submit a proposal to the legislative 50420
authority or board on the form prescribed under division (B) of 50421
section 5709.62 of the Revised Code and shall review and update 50422
the estimates and listings required by the form in the manner 50423
required under that division. The legislative authority or board 50424
may, on a separate form and at any time, require any additional 50425
information necessary to determine whether an enterprise is in 50426
compliance with an agreement and to collect the information 50427
required to be reported under section 5709.68 of the Revised Code. 50428

(B) Prior to entering into an agreement with an enterprise, 50429
the legislative authority or board of county commissioners shall 50430
determine whether the enterprise submitting the proposal is 50431

qualified by financial responsibility and business experience to 50432
create and preserve employment opportunities in the zone and to 50433
improve the economic climate of the municipal corporation or 50434
municipal corporations or the unincorporated areas in which the 50435
zone is located and to which the proposal applies, and whether the 50436
enterprise satisfies one of the following criteria: 50437

(1) The enterprise currently has no operations in this state 50438
and, subject to approval of the agreement, intends to establish 50439
operations in the zone; 50440

(2) The enterprise currently has operations in this state 50441
and, subject to approval of the agreement, intends to establish 50442
operations at a new location in the zone that would not result in 50443
a reduction in the number of employee positions at any of the 50444
enterprise's other locations in this state; 50445

(3) The enterprise, subject to approval of the agreement, 50446
intends to relocate operations, currently located in another 50447
state, to the zone; 50448

(4) The enterprise, subject to approval of the agreement, 50449
intends to expand operations at an existing site in the zone that 50450
the enterprise currently operates; 50451

(5) The enterprise, subject to approval of the agreement, 50452
intends to relocate operations, currently located in this state, 50453
to the zone, and the director of development has issued a waiver 50454
for the enterprise under division (B) of section 5709.633 of the 50455
Revised Code. 50456

(C) If the legislative authority or board determines that the 50457
enterprise is so qualified and satisfies one of the criteria 50458
described in divisions (B)(1) to (5) of this section, the 50459
legislative authority or board may, after complying with section 50460
5709.83 of the Revised Code and on or before ~~June 30, 2004~~ October 50461
15, 2009, and, in the case of a board of commissioners, with the 50462

consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners

once per year for each year the agreement is effective on the days 50495
and in the form specified in the agreement. Fees paid shall be 50496
deposited in a special fund created for such purpose by the 50497
legislative authority or board and shall be used by the 50498
legislative authority or board exclusively for the purpose of 50499
complying with section 5709.68 of the Revised Code and by the tax 50500
incentive review council created under section 5709.85 of the 50501
Revised Code exclusively for the purposes of performing the duties 50502
prescribed under that section. The legislative authority or board 50503
may waive or reduce the amount of the fee charged against an 50504
enterprise, but such waiver or reduction does not affect the 50505
obligations of the legislative authority or board or the tax 50506
incentive review council to comply with section 5709.68 or 5709.85 50507
of the Revised Code, respectively. 50508

(F) With the approval of the legislative authority of a 50509
municipal corporation or the board of township trustees of a 50510
township in which a zone is designated under division (A)(2) of 50511
this section, the board of county commissioners may delegate to 50512
that legislative authority or board any powers and duties of the 50513
board to negotiate and administer agreements with regard to that 50514
zone under this section. 50515

(G) When an agreement is entered into pursuant to this 50516
section, the legislative authority or board of commissioners 50517
authorizing the agreement shall forward a copy of the agreement to 50518
the director of development and to the tax commissioner within 50519
fifteen days after the agreement is entered into. If any agreement 50520
includes terms not provided for in section 5709.631 of the Revised 50521
Code affecting the revenue of a city, local, or exempted village 50522
school district or causing revenue to be foregone by the district, 50523
including any compensation to be paid to the school district 50524
pursuant to section 5709.82 of the Revised Code, those terms also 50525
shall be forwarded in writing to the director of development along 50526

with the copy of the agreement forwarded under this division. 50527

(H) After an agreement is entered into, the enterprise shall 50528
file with each personal property tax return required to be filed 50529
while the agreement is in effect, an informational return, on a 50530
form prescribed by the tax commissioner for that purpose, setting 50531
forth separately the property, and related costs and values, 50532
exempted from taxation under the agreement. 50533

(I) An agreement entered into under this section may include 50534
a provision requiring the enterprise to create one or more 50535
temporary internship positions for students enrolled in a course 50536
of study at a school or other educational institution in the 50537
vicinity, and to create a scholarship or provide another form of 50538
educational financial assistance for students holding such a 50539
position in exchange for the student's commitment to work for the 50540
enterprise at the completion of the internship. 50541

Sec. 5709.64. (A) If an enterprise has been granted an 50542
incentive for the current calendar year under an agreement entered 50543
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 50544
Code, it may apply, on or before the thirtieth day of April of 50545
that year, to the director of development, on a form prescribed by 50546
the director, for a tax incentive qualification certificate. The 50547
enterprise qualifies for an initial certificate if, on or before 50548
the last day of the calendar year immediately preceding that in 50549
which application is made, it satisfies all of the following 50550
requirements: 50551

(1) The enterprise has established, expanded, renovated, or 50552
occupied a facility pursuant to the agreement under section 50553
5709.62, 5709.63, or 5709.632 of the Revised Code. 50554

(2) The enterprise has hired new employees to fill nonretail 50555
positions at the facility, at least twenty-five per cent of whom 50556
at the time they were employed were at least one of the following: 50557

(a) Unemployed persons who had resided at least six months in the county in which the enterprise's project site is located; 50558
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(b) JPTA eligible employees who had resided at least six months in the county in which the enterprise's project site is located; 50560
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(c) Participants of the Ohio works first program under Chapter 5107. of the Revised Code or the prevention, retention, and contingency program under Chapter 5108. of the Revised Code or recipients of general assistance under former Chapter 5113. of the Revised Code, ~~disability~~ financial assistance under Chapter 5115. of the Revised Code, or unemployment compensation benefits who had resided at least six months in the county in which the enterprise's project site is located; 50563
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(d) Handicapped persons, as defined under division (A) of section 3304.11 of the Revised Code, who had resided at least six months in the county in which the enterprise's project site is located; 50571
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(e) Residents for at least one year of a zone located in the county in which the enterprise's project site is located. 50575
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The director of development shall, by rule, establish criteria for determining what constitutes a nonretail position at a facility. 50577
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(3) The average number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the calendar year in which application is made exceeds the maximum number of positions attributable to the enterprise in the municipal corporation during the calendar year immediately preceding the first year the enterprise satisfies the requirements set forth in divisions (A)(1) and (2) of this section. If the enterprise is engaged in a business which, because of its seasonal nature, customarily enables the enterprise to 50580
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operate at full capacity only during regularly recurring periods 50589
of the year, the average number of positions attributable to the 50590
enterprise in the municipal corporation during each period of the 50591
calendar year immediately preceding the calendar year in which 50592
application is made must exceed only the maximum number of 50593
positions attributable to the enterprise in each corresponding 50594
period of the calendar year immediately preceding the first year 50595
the enterprise satisfies the requirements of divisions (A)(1) and 50596
(2) of this section. The director of development shall, by rule, 50597
prescribe methods for determining whether an enterprise is engaged 50598
in a seasonal business and for determining the length of the 50599
corresponding periods to be compared. 50600

(4) The enterprise has not closed or reduced employment at 50601
any place of business in the state for the primary purpose of 50602
establishing, expanding, renovating, or occupying a facility. The 50603
legislative authority of any municipal corporation or the board of 50604
county commissioners of any county that concludes that an 50605
enterprise has closed or reduced employment at a place of business 50606
in that municipal corporation or county for the primary purpose of 50607
establishing, expanding, renovating, or occupying a facility in a 50608
zone may appeal to the director to determine whether the 50609
enterprise has done so. Upon receiving such an appeal, the 50610
director shall investigate the allegations and make such a 50611
determination before issuing an initial or renewal tax incentive 50612
qualification certificate under this section. 50613

Within sixty days after receiving an application under this 50614
division, the director shall review, investigate, and verify the 50615
application and determine whether the enterprise qualifies for a 50616
certificate. The application shall include an affidavit executed 50617
by the applicant verifying that the enterprise satisfies the 50618
requirements of division (A)(2) of this section, and shall contain 50619
such information and documents as the director requires, by rule, 50620

to ascertain whether the enterprise qualifies for a certificate. 50621
If the director finds the enterprise qualified, the director shall 50622
issue a tax incentive qualification certificate, which shall bear 50623
as its date of issuance the thirtieth day of June of the year of 50624
application, and shall state that the applicant is entitled to 50625
receive, for the taxable year that includes the certificate's date 50626
of issuance, the tax incentives provided under section 5709.65 of 50627
the Revised Code with regard to the facility to which the 50628
certificate applies. If an enterprise is issued an initial 50629
certificate, it may apply, on or before the thirtieth day of April 50630
of each succeeding calendar year for which it has been granted an 50631
incentive under an agreement entered pursuant to section 5709.62, 50632
5709.63, or 5709.632 of the Revised Code, for a renewal 50633
certificate. Subsequent to its initial certification, the 50634
enterprise qualifies for up to three successive renewal 50635
certificates if, on or before the last day of the calendar year 50636
immediately preceding that in which the application is made, it 50637
satisfies all the requirements of divisions (A)(1) to (4) of this 50638
section, and neither the zone's designation nor the zone's 50639
certification has been revoked prior to the fifteenth day of June 50640
of the year in which the application is made. The application 50641
shall include an affidavit executed by the applicant verifying 50642
that the enterprise satisfies the requirements of division (A)(2) 50643
of this section. An enterprise with ten or more supervisory 50644
personnel at the facility to which a certificate applies qualifies 50645
for any subsequent renewal certificates only if it meets all of 50646
the foregoing requirements and, in addition, at least ten per cent 50647
of those supervisory personnel are employees who, when first hired 50648
by the enterprise, satisfied at least one of the criteria 50649
specified in divisions (A)(2)(a) to (e) of this section. If the 50650
enterprise qualifies, a renewal certificate shall be issued 50651
bearing as its date of issuance the thirtieth day of June of the 50652
year of application. The director shall send copies of the initial 50653

certificate, and each renewal certificate, by certified mail, to 50654
the enterprise, the tax commissioner, the board of county 50655
commissioners, and the chief executive of the municipal 50656
corporation in which the facility to which the certificate applies 50657
is located. 50658

(B) If the director determines that an enterprise is not 50659
qualified for an initial or renewal tax incentive qualification 50660
certificate, the director shall send notice of this determination, 50661
specifying the reasons for it, by certified mail, to the 50662
applicant, the tax commissioner, the board of county 50663
commissioners, and the chief executive of the municipal 50664
corporation in which the facility to which the certificate would 50665
have applied is located. Within thirty days after receiving such a 50666
notice, an enterprise may request, in writing, a hearing before 50667
the director for the purpose of reviewing the application and the 50668
reasons for the determination. Within sixty days after receiving a 50669
request for a hearing, the director shall afford one and, within 50670
thirty days after the hearing, shall issue a redetermination of 50671
the enterprise's qualification for a certificate. If the 50672
enterprise is found to be qualified, the director shall proceed in 50673
the manner provided under division (A) of this section. If the 50674
enterprise is found to be unqualified, the director shall send 50675
notice of this finding, by certified mail, to the applicant, the 50676
tax commissioner, the board of county commissioners, and the chief 50677
executive of the municipal corporation in which the facility to 50678
which the certificate would have applied is located. The 50679
director's redetermination that an enterprise is unqualified may 50680
be appealed to the board of tax appeals in the manner provided 50681
under section 5717.02 of the Revised Code. 50682

Sec. 5719.07. Subject to the rules prescribed by the tax 50683
commissioner, a county treasurer charged with the collection of 50684
delinquent taxes may issue a certificate of release of the lien 50685

provided for in section 5719.04 of the Revised Code if the amount 50686
secured thereby has been paid or omitted from the delinquent tax 50687
list and duplicate pursuant to section 5719.06 of the Revised 50688
Code. The treasurer shall issue a certificate of partial discharge 50689
of any part of the real property subject to the lien ~~if he finds~~ 50690
after finding that the value of the part of the property remaining 50691
subject to the lien is at least double the amount of the 50692
delinquent taxes and all prior liens upon such real property. Such 50693
certificate shall be filed and recorded with the county recorder 50694
of the county in which the notice of lien has been filed, for 50695
which recording the recorder shall charge a base fee of two 50696
dollars for services and a housing trust fund fee of two dollars 50697
pursuant to section 317.36 of the Revised Code. 50698

Sec. 5727.56. Any public utility whose articles of 50699
incorporation or license certificate to do or transact business in 50700
this state has expired or has been canceled or revoked by the 50701
secretary of state, as provided by law for failure to make any 50702
report or return or to pay any tax or fee, upon payment to the 50703
secretary of state of any additional fees and penalties required 50704
to be paid to ~~him~~ the secretary of state, and upon the filing with 50705
the secretary of state of a certificate from the tax commissioner 50706
that it has complied with all the requirements of law as to 50707
franchise or excise tax reports and paid all franchise or excise 50708
taxes, fees, or penalties due thereon for every year of its 50709
delinquency, and upon the payment to the secretary of state of an 50710
additional fee of ten dollars, shall be reinstated and again 50711
entitled to exercise its rights, privileges, and franchises in 50712
this state, and the secretary of state shall cancel the entry of 50713
cancellation or expiration to exercise its rights, privileges, and 50714
franchises. If the reinstatement is not made within one year from 50715
the date of the cancellation of its articles of incorporation or 50716
date of the cancellation or expiration of its license to do 50717

business, and it appears that articles of incorporation or license 50718
certificate have been issued to a corporation of the same or 50719
similar name, the applicant for reinstatement shall be required by 50720
the secretary of state, as a condition prerequisite to such 50721
reinstatement, to amend its articles by changing its name. A 50722
certificate of reinstatement may be filed in the county recorder's 50723
office of any county in the state, for which the recorder shall 50724
charge and collect a base fee of three dollars for services and a 50725
housing trust fund fee of three dollars pursuant to section 317.36 50726
of the Revised Code. 50727

If a domestic public utility applying for reinstatement has 50728
not previously designated an agent upon whom process may be served 50729
as required by section 1701.07 of the Revised Code, such public 50730
utility shall at the time of reinstatement and as a prerequisite 50731
thereto designate an agent in accordance with such section. 50732

Any officer, shareholder, creditor, or receiver of any such 50733
public utility may at any time take all steps required by this 50734
section to effect such reinstatement, and in such case the 50735
designation of an agent upon whom process may be served shall not 50736
be a prerequisite to the reinstatement of the public utility. 50737

Sec. 5733.121. If a corporation entitled to a refund under 50738
section 5733.11 or 5733.12 of the Revised Code is indebted to this 50739
state for any tax, workers' compensation premium due under section 50740
4123.35 of the Revised Code, unemployment compensation 50741
contribution due under section 4141.25 of the Revised Code, or 50742
unemployment compensation payment in lieu of contribution under 50743
section 4141.241 of the Revised Code or fee administered by the 50744
~~tax commissioner~~ that is paid to the state or to the clerk of 50745
courts pursuant to section 4505.06 of the Revised Code, or any 50746
charge, penalty, or interest arising from such a tax, workers' 50747
compensation premium, unemployment compensation contribution, or 50748

unemployment compensation payment in lieu of contribution under 50749
section 4141.241 of the Revised Code or fee, the amount refundable 50750
may be applied in satisfaction of the debt. If the amount 50751
refundable is less than the amount of the debt, it may be applied 50752
in partial satisfaction of the debt. If the amount refundable is 50753
greater than the amount of the debt, the amount remaining after 50754
satisfaction of the debt shall be refunded. If the corporation has 50755
more than one such debt, any debt subject to section 5739.33 or 50756
division (G) of section 5747.07 of the Revised Code shall be 50757
satisfied first. This section applies only to debts that have 50758
become final. 50759

The tax commissioner may, with the consent of the taxpayer, 50760
provide for the crediting, against tax due for any tax year, of 50761
the amount of any refund due the taxpayer under this chapter for a 50762
preceding tax year. 50763

Sec. 5733.18. Annually, on the day fixed for the payment of 50764
any excise or franchise tax required to be paid by law, such tax, 50765
together with any penalties subsequently accruing thereon, shall 50766
become a lien on all property in this state of a corporation, 50767
whether such property is employed by the corporation in the 50768
prosecution of its business or is in the hands of an assignee, 50769
trustee, or receiver for the benefit of the creditors and 50770
stockholders. Such lien shall continue until such taxes, together 50771
with any penalties subsequently accruing, are paid. 50772

Upon failure of such corporation to pay such tax on the day 50773
fixed for payment, the tax commissioner may file, for which filing 50774
no fee shall be charged, in the office of the county recorder in 50775
each county in this state in which such corporation owns or has a 50776
beneficial interest in real estate, notice of such lien containing 50777
a brief description of such real estate. Such lien shall not be 50778
valid as against any mortgagee, purchaser, or judgment creditor 50779

whose rights have attached prior to the time such notice is so 50780
filed in the county in which the real estate which is the subject 50781
of such mortgage, purchase, or judgment lien is located. Such 50782
notice shall be recorded in a book kept by the recorder, called 50783
the corporation franchise lien record, and indexed under the name 50784
of the corporation charged with such tax. When such tax, together 50785
with any penalties subsequently accruing thereon, has been paid, 50786
the tax commissioner shall furnish to the corporation an 50787
acknowledgment of such payment which the corporation may record 50788
with the recorder of each county in which notice of such lien has 50789
been filed, for which recording the recorder shall charge and 50790
receive a base fee of two dollars for services and a housing trust 50791
fund fee of two dollars pursuant to section 317.36 of the Revised 50792
Code. 50793

Sec. 5733.22. (A)(1) Any corporation whose articles of 50794
incorporation or license certificate to do or transact business in 50795
this state has been canceled by the secretary of state pursuant to 50796
section 5733.20 of the Revised Code for failure to make any report 50797
or return or to pay any tax or fee, shall be reinstated and again 50798
entitled to exercise its rights, privileges, and franchises in 50799
this state, and the secretary of state shall cancel the entry of 50800
cancellation to exercise its rights, privileges, and franchises 50801
upon compliance with all of the following: 50802

(a) Payment to the secretary of state of any additional fees 50803
and penalties required to be paid to the secretary of state; 50804

(b) Filing with the secretary of state a certificate from the 50805
tax commissioner that it has complied with all the requirements of 50806
law as to franchise or excise tax reports and paid all franchise 50807
or excise taxes, fees, or penalties due thereon for every year of 50808
its delinquency; 50809

(c) Payment to the secretary of state of an additional fee of 50810

ten dollars. 50811

(2) The applicant for reinstatement shall be required by the 50812
secretary of state, as a condition prerequisite to such 50813
reinstatement, to amend its articles by changing its name if all 50814
of the following apply: 50815

(a) The reinstatement is not made within one year from the 50816
date of the cancellation of its articles of incorporation or date 50817
of the cancellation of its license to do business; 50818

(b) It appears that the applicant's articles of incorporation 50819
or license certificate has been issued to another entity and is 50820
not distinguishable upon the record from the name of the 50821
applicant; 50822

(c) It appears that the articles of organization of a limited 50823
liability company, registration of a foreign limited liability 50824
company, certificate of limited partnership, registration of a 50825
foreign limited partnership, registration of a domestic or foreign 50826
limited liability partnership, or registration of a trade name has 50827
been issued to another entity and is not distinguishable upon the 50828
record from the name of the applicant. A certificate of 50829
reinstatement may be filed in the recorder's office of any county 50830
in the state, for which the recorder shall charge and collect a 50831
base fee of three dollars for services and a housing trust fund 50832
fee of three dollars pursuant to section 317.36 of the Revised 50833
Code. 50834

Any officer, shareholder, creditor, or receiver of any such 50835
corporation may at any time take all steps required by this 50836
section to effect such reinstatement. 50837

(B) The rights, privileges, and franchises of a corporation 50838
whose articles of incorporation have been reinstated in accordance 50839
with this section, are subject to section 1701.922 of the Revised 50840
Code. 50841

(C) Notwithstanding a violation of section 5733.21 of the Revised Code, upon reinstatement of a corporation's articles of incorporation in accordance with this section, neither section 5733.20 nor section 5733.21 of the Revised Code shall be applied to invalidate the exercise or attempt to exercise any right, privilege, or franchise on behalf of the corporation by an officer, agent, or employee of the corporation after cancellation and prior to the reinstatement of the articles, if the conditions set forth in divisions (B)(1)(a) and (b) of section 1701.922 of the Revised Code are met.

Sec. 5735.05. (A) To provide revenue for maintaining the state highway system; to widen existing surfaces on such highways; to resurface such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties of the state properly to plan, maintain, and repair their roads and to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets, and to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the Ohio turnpike commission to construct, reconstruct, maintain, and repair turnpike projects; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs apportioned to the public under sections

4907.47 and 4907.471 of the Revised Code and to supplement revenue 50874
already available for such purposes; to pay the costs incurred by 50875
the public utilities commission in administering sections 4907.47 50876
to 4907.476 of the Revised Code; to distribute equitably among 50877
those persons using the privilege of driving motor vehicles upon 50878
such highways and streets the cost of maintaining and repairing 50879
them; to pay the interest, principal, and charges on highway 50880
capital improvements bonds and other obligations issued pursuant 50881
to Section 2m of Article VIII, Ohio Constitution, and section 50882
151.06 of the Revised Code; to pay the interest, principal, and 50883
charges on highway obligations issued pursuant to Section 2i of 50884
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 50885
of the Revised Code; ~~and~~ to provide revenue for the purposes of 50886
sections 1547.71 to 1547.78 of the Revised Code; and to pay the 50887
expenses of the department of taxation incident to the 50888
administration of the motor fuel laws, a motor fuel excise tax is 50889
hereby imposed on all motor fuel dealers upon receipt of motor 50890
fuel within this state at the rate of two cents plus the cents per 50891
gallon rate on each gallon so received, to be computed in the 50892
manner set forth in section 5735.06 of the Revised Code; provided 50893
that no tax is hereby imposed upon the following transactions: 50894

(1) The sale of dyed diesel fuel by a licensed motor fuel 50895
dealer from a location other than a retail service station 50896
provided the licensed motor fuel dealer places on the face of the 50897
delivery document or invoice, or both if both are used, a 50898
conspicuous notice stating that the fuel is dyed and is not for 50899
taxable use, and that taxable use of that fuel is subject to a 50900
penalty. The tax commissioner, by rule, may provide that any 50901
notice conforming to rules or regulations issued by the United 50902
States department of the treasury or the Internal Revenue Service 50903
is sufficient notice for the purposes of division (A)(1) of this 50904
section. 50905

(2) The sale of K-1 kerosene to a retail service station, 50906
except when placed directly in the fuel supply tank of a motor 50907
vehicle. Such sale shall be rebuttably presumed to not be 50908
distributed or sold for use or used to generate power for the 50909
operation of motor vehicles upon the public highways or upon the 50910
waters within the boundaries of this state. 50911

(3) The sale of motor fuel by a licensed motor fuel dealer to 50912
another licensed motor fuel dealer; 50913

(4) The exportation of motor fuel by a licensed motor fuel 50914
dealer from this state to any other state or foreign country; 50915

(5) The sale of motor fuel to the United States government or 50916
any of its agencies, except such tax as is permitted by it, where 50917
such sale is evidenced by an exemption certificate, in a form 50918
approved by the tax commissioner, executed by the United States 50919
government or an agency thereof certifying that the motor fuel 50920
therein identified has been purchased for the exclusive use of the 50921
United States government or its agency; 50922

(6) The sale of motor fuel ~~which~~ that is in the process of 50923
transportation in foreign or interstate commerce, except ~~in so far~~ 50924
insofar as it may be taxable under the Constitution and statutes 50925
of the United States, and except as may be agreed upon in writing 50926
by the dealer and the commissioner; 50927

(7) The sale of motor fuel when sold exclusively for use in 50928
the operation of aircraft, where such sale is evidenced by an 50929
exemption certificate prescribed by the commissioner and executed 50930
by the purchaser certifying that the motor fuel purchased has been 50931
purchased for exclusive use in the operation of aircraft; 50932

(8) The sale for exportation of motor fuel by a licensed 50933
motor fuel dealer to a licensed exporter type A; 50934

(9) The sale for exportation of motor fuel by a licensed 50935

motor fuel dealer to a licensed exporter type B, provided that the 50936
destination state motor fuel tax has been paid or will be accrued 50937
and paid by the licensed motor fuel dealer. 50938

(10) The sale to a consumer of diesel fuel, by a motor fuel 50939
dealer for delivery from a bulk lot vehicle, for consumption in 50940
operating a vessel when the use of such fuel in a vessel would 50941
otherwise qualify for a refund under section 5735.14 of the 50942
Revised Code. 50943

Division (A)(1) of this section does not apply to the sale or 50944
distribution of dyed diesel fuel used to operate a motor vehicle 50945
on the public highways or upon water within the boundaries of this 50946
state by persons permitted under regulations of the United States 50947
department of the treasury or of the Internal Revenue Service to 50948
so use dyed diesel fuel. 50949

(B) The two cent motor fuel tax levied by this section is 50950
also for the purpose of paying the expenses of administering and 50951
enforcing the state law relating to the registration and operation 50952
of motor vehicles. 50953

(C) After the tax provided for by this section on the receipt 50954
of any motor fuel has been paid by the motor fuel dealer, the 50955
motor fuel may thereafter be used, sold, or resold by any person 50956
having lawful title to it, without incurring liability for such 50957
tax. 50958

If a licensed motor fuel dealer sells motor fuel received by 50959
the licensed motor fuel dealer to another licensed motor fuel 50960
dealer, the seller may deduct on the report required by section 50961
5735.06 of the Revised Code the number of gallons so sold for the 50962
month within which the motor fuel was sold or delivered. In this 50963
event the number of gallons is deemed to have been received by the 50964
purchaser, who shall report and pay the tax imposed thereon. 50965

Sec. 5735.053. There is hereby created in the state treasury 50966
the motor fuel tax administration fund for the purpose of paying 50967
the expenses of the department of taxation incident to the 50968
administration of the motor fuel laws. After the treasurer of 50969
state credits the tax refund fund out of tax receipts as required 50970
by sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised 50971
Code, the treasurer of state shall transfer to the motor fuel tax 50972
administration fund two hundred seventy-five one-thousandths per 50973
cent of the receipts from the taxes levied by sections 5735.05, 50974
5735.25, 5735.29, and 5735.30 of the Revised Code. 50975

Sec. 5735.23. (A) Out of receipts from the tax levied by 50976
section 5735.05 of the Revised Code, the treasurer of state shall 50977
place to the credit of the tax refund fund established by section 50978
5703.052 of the Revised Code amounts equal to the refunds 50979
certified by the tax commissioner pursuant to sections 5735.13, 50980
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 50981
treasurer of state shall then transfer the amount required by 50982
section 5735.051 of the Revised Code to the waterways safety fund 50983
and, the amount required by section 4907.472 of the Revised Code 50984
to the grade crossing protection fund, and the amount required by 50985
section 5735.053 of the Revised Code to the motor fuel tax 50986
administration fund. 50987

(B) Except as provided in division (D) of this section, each 50988
month the balance of the receipts from the tax levied by section 50989
5735.05 of the Revised Code shall be credited, after receipt by 50990
the treasurer of state of certification from the commissioners of 50991
the sinking fund, as required by section 5528.35 of the Revised 50992
Code, that there are sufficient moneys to the credit of the 50993
highway obligations bond retirement fund to meet in full all 50994
payments of interest, principal, and charges for the retirement of 50995
highway obligations issued pursuant to Section 2i of Article VIII, 50996

Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

(1) To the state and local government highway distribution fund, which is hereby created in the state treasury, an amount that is the same percentage of the balance to be credited as that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code is of the total tax per gallon determined under divisions (B)(2)(a) and (b) of that section.

(2) After making the distribution to the state and local government highway distribution fund, the remainder shall be credited as follows:

(a) Thirty per cent to the gasoline excise tax fund for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code;

(b) Twenty-five per cent to the gasoline excise tax fund for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code;

(c) Except as provided in division (D) of this section, forty-five per cent to the highway operating fund for distribution pursuant to division (B)(1) of section 5735.27 of the Revised Code.

(C) From the balance in the state and local government highway distribution fund on the last day of each month there shall be paid the following amounts:

(1) To the local transportation improvement program fund created by section 164.14 of the Revised Code, an amount equal to a fraction of the balance in the state and local government highway distribution fund, the numerator of which fraction is one and the denominator of which fraction is that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06

of the Revised Code; 51028

(2) An amount equal to five cents multiplied by the number of 51029
gallons of motor fuel sold at stations operated by the Ohio 51030
turnpike commission, such gallonage to be certified by the 51031
commission to the treasurer of state not later than the last day 51032
of the month following. The funds paid to the commission pursuant 51033
to this section shall be expended for the construction, 51034
reconstruction, maintenance, and repair of turnpike projects, 51035
except that the funds may not be expended for the construction of 51036
new interchanges. The funds also may be expended for the 51037
construction, reconstruction, maintenance, and repair of those 51038
portions of connecting public roads that serve existing 51039
interchanges and are determined by the commission and the director 51040
of transportation to be necessary for the safe merging of traffic 51041
between the turnpike and those public roads. 51042

The remainder of the balance shall be distributed as follows 51043
on the fifteenth day of the following month: 51044

(a) Ten and seven-tenths per cent shall be paid to municipal 51045
corporations for distribution pursuant to division (A)(1) of 51046
section 5735.27 of the Revised Code and may be used for any 51047
purpose for which payments received under that division may be 51048
used. 51049

(b) Five per cent shall be paid to townships for distribution 51050
pursuant to division (A)(5) of section 5735.27 of the Revised Code 51051
and may be used for any purpose for which payments received under 51052
that division may be used. 51053

(c) Nine and three-tenths per cent shall be paid to counties 51054
for distribution pursuant to division (A)(3) of section 5735.27 of 51055
the Revised Code and may be used for any purpose for which 51056
payments received under that division may be used. 51057

(d) Except as provided in division (D) of this section, the 51058

balance shall be transferred to the highway operating fund and 51059
used for the purposes set forth in division (B)(1) of section 51060
5735.27 of the Revised Code. 51061

(D) Beginning on the first day of September each fiscal year, 51062
any amounts required to be credited or transferred to the highway 51063
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 51064
section shall be credited or transferred to the highway capital 51065
improvement bond service fund created in section 151.06 of the 51066
Revised Code, until such time as the office of budget and 51067
management receives certification from the treasurer of state or 51068
the treasurer of state's designee that sufficient money has been 51069
credited or transferred to the bond service fund to meet in full 51070
all payments of debt service and financing costs due during the 51071
fiscal year from that fund. 51072

Sec. 5735.26. The treasurer of state shall place to the 51073
credit of the tax refund fund created by section 5703.052 of the 51074
Revised Code, out of receipts from the tax levied by section 51075
5735.25 of the Revised Code, amounts equal to the refunds 51076
certified by the tax commissioner pursuant to sections 5735.142 51077
and 5735.25 of the Revised Code, which shall be paid from such 51078
fund. ~~Receipts from the tax shall be used by the tax commissioner~~ 51079
~~for the maintenance and administration of the motor fuel laws.~~ The 51080
treasurer of state shall then transfer the amount required by 51081
section 5735.051 of the Revised Code to the waterways safety fund 51082
and the amount required by section 5735.053 of the Revised Code to 51083
the motor fuel tax administration fund. 51084

The balance of taxes collected under section 5735.25 of the 51085
Revised Code shall be credited as follows, after the credits to 51086
the tax refund fund, ~~and after deduction of the cost of~~ 51087
~~administration of the motor fuel laws,~~ and after the transfer 51088
transfers to the waterways safety fund and motor fuel tax 51089

administration fund, and after receipt by the treasurer of state 51090
of certifications from the commissioners of the sinking fund 51091
certifying, as required by sections 5528.15 and 5528.35 of the 51092
Revised Code, there are sufficient moneys to the credit of the 51093
highway improvement bond retirement fund to meet in full all 51094
payments of interest, principal, and charges for the retirement of 51095
bonds and other obligations issued pursuant to Section 2g of 51096
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 51097
of the Revised Code due and payable during the current calendar 51098
year, and that there are sufficient moneys to the credit of the 51099
highway obligations bond retirement fund to meet in full all 51100
payments of interest, principal, and charges for the retirement of 51101
highway obligations issued pursuant to Section 2i of Article VIII, 51102
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 51103
Code due and payable during the current calendar year: 51104

(A) Sixty-seven and one-half per cent to the highway 51105
operating fund for distribution pursuant to division (B)(2) of 51106
section 5735.27 of the Revised Code; 51107

(B) Seven and one-half per cent to the gasoline excise tax 51108
fund for distribution pursuant to division (A)(2) of such section; 51109

(C) Seven and one-half per cent to the gasoline excise tax 51110
fund for distribution pursuant to division (A)(4) of such section; 51111

(D) Seventeen and one-half per cent to the gasoline excise 51112
tax fund for distribution pursuant to division (A)(5) of such 51113
section. 51114

Sec. 5735.291. The treasurer of state shall place to the 51115
credit of the tax refund fund created by section 5703.052 of the 51116
Revised Code, out of receipts from the tax levied by section 51117
5735.29 of the Revised Code, amounts equal to the refunds 51118
certified by the tax commissioner pursuant to sections 5735.142 51119
and 5735.29 of the Revised Code. The refunds provided for by 51120

sections 5735.142 and 5735.29 of the Revised Code shall be paid 51121
from such fund. The treasurer of state shall then transfer the 51122
amount required by section 5735.051 of the Revised Code to the 51123
waterways safety fund and the amount required by section 5735.053 51124
of the Revised Code to the motor fuel tax administration fund. ~~The~~ 51125

The balance of taxes collected under section 5735.29 of the 51126
Revised Code after the credits to the tax refund fund, ~~and after~~ 51127
~~the transfer~~ transfers to the waterways safety fund and the motor 51128
fuel tax administration fund, and after receipt by the treasurer 51129
of state of certifications from the commissioners of the sinking 51130
fund certifying, as required by sections 5528.15 and 5528.35 of 51131
the Revised Code, that there are sufficient moneys to the credit 51132
of the highway improvement bond retirement fund created by section 51133
5528.12 of the Revised Code to meet in full all payments of 51134
interest, principal, and charges for the retirement of bonds and 51135
other obligations issued pursuant to Section 2g of Article VIII, 51136
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 51137
Code due and payable during the current calendar year, and that 51138
there are sufficient moneys to the credit of the highway 51139
obligations bond retirement fund created by section 5528.32 of the 51140
Revised Code to meet in full all payments of interest, principal, 51141
and charges for the retirement of highway obligations issued 51142
pursuant to Section 2i of Article VIII, Ohio Constitution, and 51143
sections 5528.30 and 5528.31 of the Revised Code due and payable 51144
during the current calendar year, shall be credited to the highway 51145
operating fund, which is hereby created in the state treasury and 51146
shall be used solely for the purposes enumerated in section 51147
5735.29 of the Revised Code. All investment earnings of the fund 51148
shall be credited to the fund. 51149

Sec. 5735.30. (A) For the purpose of providing funds to pay 51150
the state's share of the cost of constructing and reconstructing 51151
highways and eliminating railway grade crossings on the major 51152

thoroughfares of the state highway system and urban extensions 51153
thereof, to pay that portion of the construction cost of a highway 51154
project which a county, township, or municipal corporation 51155
normally would be required to pay, but which the director of 51156
transportation, pursuant to division (B) of section 5531.08 of the 51157
Revised Code, determines instead will be paid from moneys in the 51158
highway operating fund, to pay the interest, principal, and 51159
charges on bonds and other obligations issued pursuant to Section 51160
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 51161
5528.11 of the Revised Code, to pay the interest, principal, and 51162
charges on highway obligations issued pursuant to Section 2i of 51163
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 51164
of the Revised Code, ~~and~~ to provide revenues for the purposes of 51165
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 51166
expenses of the department of taxation incident to the 51167
administration of the motor fuel laws, a motor fuel excise tax is 51168
hereby imposed on all motor fuel dealers upon their receipt of 51169
motor fuel within the state, at the rate of one cent on each 51170
gallon so received, to be reported, computed, paid, collected, 51171
administered, enforced, refunded, and subject to the same 51172
exemptions and penalties as provided in this chapter of the 51173
Revised Code. 51174

The tax imposed by this section shall be in addition to the 51175
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 51176
Revised Code. 51177

(B) The treasurer of state shall place to the credit of the 51178
tax refund fund created by section 5703.052 of the Revised Code, 51179
out of receipts from the tax levied by this section, amounts equal 51180
to the refunds certified by the tax commissioner pursuant to this 51181
section. The refund provided for by ~~the first paragraph~~ division 51182
(A) of this section shall be paid from such fund. The treasurer 51183
shall then transfer the amount required by section 5735.051 of the 51184

Revised Code to the waterways safety fund and the amount required 51185
by section 5735.053 of the Revised Code to the motor fuel tax 51186
administration fund. The balance of taxes for which the liability 51187
has become fixed prior to July 1, 1955, under this section, after 51188
the credit to the tax refund fund, shall be credited to the 51189
highway operating fund. 51190

(C)(1) The moneys derived from the tax levied by this 51191
section, after ~~the credit to the tax refund fund and the waterways~~ 51192
~~safety fund as provided~~ and transfers required by division (B) of 51193
this section, shall, during each calendar year, be credited to the 51194
highway improvement bond retirement fund created by section 51195
5528.12 of the Revised Code, until the commissioners of the 51196
sinking fund certify to the treasurer of state, as required by 51197
section 5528.17 of the Revised Code, that there are sufficient 51198
moneys to the credit of the highway improvement bond retirement 51199
fund to meet in full all payments of interest, principal, and 51200
charges for the retirement of bonds and other obligations issued 51201
pursuant to Section 2g of Article VIII, Ohio Constitution, and 51202
sections 5528.10 and 5528.11 of the Revised Code due and payable 51203
during the current calendar year and during the next succeeding 51204
calendar year. From the date of the receipt of the certification 51205
required by section 5528.17 of the Revised Code by the treasurer 51206
of state until the thirty-first day of December of the calendar 51207
year in which such certification is made, all moneys received in 51208
the state treasury from the tax levied by this section, after ~~the~~ 51209
~~credit to the tax refund fund and the waterways safety fund as~~ 51210
~~provided~~ and transfers required by division (B) of this section, 51211
shall be credited to the highway obligations bond retirement fund 51212
created by section 5528.32 of the Revised Code, until the 51213
commissioners of the sinking fund certify to the treasurer of 51214
state, as required by section 5528.38 of the Revised Code, that 51215
there are sufficient moneys to the credit of the highway 51216
obligations bond retirement fund to meet in full all payments of 51217

interest, principal, and charges for the retirement of obligations 51218
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 51219
and sections 5528.30 and 5528.31 of the Revised Code due and 51220
payable during the current calendar year and during the next 51221
succeeding calendar year. ~~From~~ 51222

(2) From the date of the receipt of the certification 51223
required by section 5528.38 of the Revised Code by the treasurer 51224
of state until the thirty-first day of December of the calendar 51225
year in which such certification is made, all moneys received in 51226
the state treasury from the tax levied by this section, after the 51227
~~credit to the tax refund fund and the waterways safety fund as~~ 51228
~~provided~~ and transfers required by division (B) of this section, 51229
shall be credited to the highway operating fund, except as 51230
provided in ~~the next succeeding paragraph~~ division (C)(3) of this 51231
section. 51232

(3) From the date of the receipt by the treasurer of state of 51233
certifications from the commissioners of the sinking fund, as 51234
required by sections 5528.18 and 5528.39 of the Revised Code, 51235
certifying that the moneys to the credit of the highway 51236
improvement bond retirement fund are sufficient to meet in full 51237
all payments of interest, principal, and charges for the 51238
retirement of all bonds and other obligations which may be issued 51239
pursuant to Section 2g of Article VIII, Ohio Constitution, and 51240
sections 5528.10 and 5528.11 of the Revised Code, and to the 51241
credit of the highway obligations bond retirement fund are 51242
sufficient to meet in full all payments of interest, principal, 51243
and charges for the retirement of all obligations issued pursuant 51244
to Section 2i of Article VIII, Ohio Constitution, and sections 51245
5528.30 and 5528.31 of the Revised Code, the moneys derived from 51246
the tax levied by this section, after the ~~credit to the tax refund~~ 51247
~~fund and the waterways safety fund as provided~~ and transfers 51248
required by division (B) of this section, shall be credited to the 51249

highway operating fund. 51250

Sec. 5747.12. If a person entitled to a refund under section 51251
5747.11 or 5747.13 of the Revised Code is indebted to this state 51252
for any tax, workers' compensation premium due under section 51253
4123.35 of the Revised Code, unemployment compensation 51254
contribution due under section 4141.25 of the Revised Code, or fee 51255
~~administered by the tax commissioner~~ that is paid to the state or 51256
to the clerk of courts pursuant to section 4505.06 of the Revised 51257
Code, or any charge, penalty, or interest arising from such a tax, 51258
workers' compensation premium, unemployment compensation 51259
contribution, or fee, the amount refundable may be applied in 51260
satisfaction of the debt. If the amount refundable is less than 51261
the amount of the debt, it may be applied in partial satisfaction 51262
of the debt. If the amount refundable is greater than the amount 51263
of the debt, the amount remaining after satisfaction of the debt 51264
shall be refunded. If the person has more than one such debt, any 51265
debt subject to section 5739.33 or division (G) of section 5747.07 51266
of the Revised Code shall be satisfied first. This section applies 51267
only to debts that have become final. 51268

The tax commissioner may, with the consent of the taxpayer, 51269
provide for the crediting, against tax imposed under this chapter 51270
or Chapter 5748. of the Revised Code and due for any taxable year, 51271
of the amount of any refund due the taxpayer under this chapter or 51272
Chapter 5748. of the Revised Code, as appropriate, for a preceding 51273
taxable year. 51274

Sec. 5903.12. (A) As used in this section: 51275

(1) "Continuing education" means continuing education 51276
required of a licensee by law and includes, but is not limited to, 51277
the continuing education required of licensees under sections 51278
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 51279

4725.16, ~~4725.51~~, 4731.281, 4734.25, 4735.141, 4736.11, 4741.16, 51280
4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 51281
of the Revised Code. 51282

(2) "License" means a license, certificate, permit, or other 51283
authorization issued or conferred by a licensing agency under 51284
which a licensee may engage in a profession, occupation, or 51285
occupational activity. 51286

(3) "Licensee" means a person to whom all of the following 51287
apply: 51288

(a) The person has been issued a license by a licensing 51289
agency. 51290

(b) The person is a member of the Ohio national guard, the 51291
Ohio military reserve, the Ohio naval militia, or a reserve 51292
component of the armed forces of the United States. 51293

(c) The person has been called to active duty, whether inside 51294
or outside the United States, because of an executive order issued 51295
by the president of the United States or an act of congress, for a 51296
period in excess of thirty-one days. 51297

(4) "Licensing agency" means any state department, division, 51298
board, commission, agency, or other state governmental unit 51299
authorized by the Revised Code to issue a license. 51300

(5) "Reporting period" means the period of time during which 51301
a licensee must complete the number of hours of continuing 51302
education required of the licensee by law. 51303

(B) Each licensing agency, upon receiving an application from 51304
one of its licensees that is accompanied by proper documentation 51305
certifying that the licensee has been called to active duty as 51306
described in division (A)(3)(c) of this section during the current 51307
or a prior reporting period and certifying the length of that 51308
active duty, shall extend the current reporting period by an 51309

amount of time equal to the total number of months that the 51310
licensee spent on active duty during the current reporting period. 51311
For purposes of this division, any portion of a month served on 51312
active duty shall be considered one full month. 51313

Sec. 6101.09. Within thirty days after the conservancy 51314
district has been declared a corporation by the court, the clerk 51315
of such court shall transmit to the secretary of state, to the 51316
director of the department of natural resources, and to the county 51317
recorder in each of the counties having lands in the district, 51318
copies of the findings and the decree of the court incorporating 51319
the district. The same shall be filed and recorded in the office 51320
of the secretary of state in the same manner as articles of 51321
incorporation are required to be filed and recorded under the 51322
general law concerning corporations. Copies shall also be filed 51323
and become permanent records in the office of the recorder of each 51324
county in which a part of the district lies. Each recorder shall 51325
receive a base fee of one dollar for filing and preserving such 51326
copies and a housing trust fund fee of one dollar pursuant to 51327
section 317.36 of the Revised Code, and the secretary of state 51328
shall receive for filing and for recording the copies a fee of 51329
twenty-five dollars. 51330

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 51331
of this section, on and after January 1, 1994, no person shall 51332
operate or maintain a public water system in this state without a 51333
license issued by the director of environmental protection. A 51334
person who operates or maintains a public water system on January 51335
1, 1994, shall obtain an initial license under this section in 51336
accordance with the following schedule: 51337

(1) If the public water system is a community water system, 51338
not later than January 31, 1994; 51339

(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, ~~2004~~ 2006, 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 51371
under division (A) of this section, the director shall issue the 51372
license for the public water system. Not later than thirty days 51373
after receiving a completed application and the appropriate 51374
license fee for a license renewal under division (A) of this 51375
section, the director shall do one of the following: 51376

(1) Issue the license renewal for the public water system; 51377

(2) Issue the license renewal subject to terms and conditions 51378
that the director determines are necessary to ensure compliance 51379
with this chapter and rules adopted under it; 51380

(3) Deny the license renewal if the director finds that the 51381
public water system was not operated in substantial compliance 51382
with this chapter and rules adopted under it. 51383

(C) The director may suspend or revoke a license or license 51384
renewal issued under this section if the director finds that the 51385
public water system was not operated in substantial compliance 51386
with this chapter and rules adopted under it. The director shall 51387
adopt, and may amend and rescind, rules in accordance with Chapter 51388
119. of the Revised Code governing such suspensions and 51389
revocations. 51390

(D)(1) As used in division (D) of this section, "church" 51391
means a fellowship of believers, congregation, society, 51392
corporation, convention, or association that is formed primarily 51393
or exclusively for religious purposes and that is not formed or 51394
operated for the private profit of any person. 51395

(2) This section does not apply to a church that operates or 51396
maintains a public water system solely to provide water for that 51397
church or for a campground that is owned by the church and 51398
operated primarily or exclusively for members of the church and 51399
their families. A church that, on or before March 5, 1996, has 51400
obtained a license under this section for such a public water 51401

system need not obtain a license renewal under this section. 51402

(E) This section does not apply to any public or nonpublic 51403
school that meets minimum standards of the state board of 51404
education that operates or maintains a public water system solely 51405
to provide water for that school. 51406

Sec. 6115.09. Within thirty days after the sanitary district 51407
has been declared a corporation by the court, the clerk of such 51408
court shall transmit to the secretary of state, and to the county 51409
recorder in each of the counties having lands in said district, 51410
copies of the findings and the decree of the court incorporating 51411
said district. The same shall be filed and recorded in the office 51412
of the secretary of state in the same manner as articles of 51413
incorporation are required to be filed and recorded under the 51414
general law concerning corporations. Copies shall also be filed 51415
and become permanent records in the office of the recorder of each 51416
county in which a part of the district lies. Each recorder shall 51417
receive a base fee of one dollar for filing and preserving such 51418
copies and a housing trust fund fee of one dollar pursuant to 51419
section 317.36 of the Revised Code, and the secretary of state 51420
shall receive for filing and for recording said copies such fees 51421
as are provided by law for like services in similar cases. 51422

Sec. 6117.02. (A) The board of county commissioners shall fix 51423
reasonable rates, including penalties for late payments, for the 51424
use, or the availability for use, of the sanitary facilities of a 51425
sewer district to be paid by every person and public agency whose 51426
premises are served, or capable of being served, by a connection 51427
directly or indirectly to those facilities when those facilities 51428
are owned or operated by the county and may change the rates from 51429
time to time as it considers advisable. When the sanitary 51430
facilities to be used by the county are owned by another public 51431
agency or person, the schedule of rates to be charged by the 51432

public agency or person for the use of the facilities by the 51433
county, or the formula or other procedure for their determination, 51434
shall be approved by the board at the time it enters into a 51435
contract for that use. 51436

(B) The board also shall establish reasonable charges to be 51437
collected for the privilege of connecting to the sanitary 51438
facilities of the district, with the requirement that, prior to 51439
the connection, the charges shall be paid in full, or, if 51440
determined by the board to be equitable in a resolution relating 51441
to the payment of the charges, provision considered adequate by 51442
the board shall be made for their payment in installments at the 51443
times, in the amounts, and with the security, carrying charges, 51444
and penalties as may be found by the board in that resolution to 51445
be fair and appropriate. No public agency or person shall be 51446
permitted to connect to those facilities until the charges have 51447
been paid in full or provision for their payment in installments 51448
has been made. If the connection charges are to be paid in 51449
installments, the board shall certify to the county auditor 51450
information sufficient to identify each parcel of property served 51451
by a connection and, with respect to each parcel, the total of the 51452
charges to be paid in installments, the amount of each 51453
installment, and the total number of installments to be paid. The 51454
auditor shall record and maintain the information supplied in the 51455
sewer improvement record provided for in section 6117.33 of the 51456
Revised Code until the connection charges are paid in full. The 51457
board may include amounts attributable to connection charges being 51458
paid in installments in its billings of rates and charges for the 51459
use of sanitary facilities. 51460

(C) When any of the sanitary rates or charges are not paid 51461
when due, the board may do any or all of the following as it 51462
considers appropriate: 51463

(1) Certify the unpaid rates or charges, together with any 51464

penalties, to the county auditor, who shall place them upon the 51465
real property tax list and duplicate against the property served 51466
by the connection. The certified amount shall be a lien on the 51467
property from the date placed on the real property tax list and 51468
duplicate and shall be collected in the same manner as taxes, 51469
except that, notwithstanding section 323.15 of the Revised Code, a 51470
county treasurer shall accept a payment in that amount when 51471
separately tendered as payment for the full amount of the unpaid 51472
sanitary rates or charges and associated penalties. The lien shall 51473
be released immediately upon payment in full of the certified 51474
amount. 51475

(2) Collect the unpaid rates or charges, together with any 51476
penalties, by actions at law in the name of the county from an 51477
owner, tenant, or other person or public agency that is liable for 51478
the payment of the rates or charges; 51479

(3) Terminate, in accordance with established rules, the 51480
sanitary service to the particular property and, if so determined, 51481
any county water service to that property, unless and until the 51482
unpaid sanitary rates or charges, together with any penalties, are 51483
paid in full; 51484

(4) Apply, to the extent required, any security deposit made 51485
in accordance with established rules to the payment of sanitary 51486
rates and charges for service to the particular property. 51487

All moneys collected as sanitary rates, charges, or penalties 51488
fixed or established in accordance with divisions (A) and (B) of 51489
this section for any sewer district shall be paid to the county 51490
treasurer and kept in a separate and distinct sanitary fund 51491
established by the board to the credit of the district. Except as 51492
otherwise provided in any proceedings authorizing or providing for 51493
the security for and payment of any public obligations, or in any 51494
indenture or trust or other agreement securing public obligations, 51495
moneys in the sanitary fund shall be applied first to the payment 51496

of the cost of the management, maintenance, and operation of the 51497
sanitary facilities of, or used or operated for, the district, 51498
which cost may include the county's share of management, 51499
maintenance, and operation costs under cooperative contracts for 51500
the acquisition, construction, or use of sanitary facilities and, 51501
in accordance with a cost allocation plan adopted under division 51502
(E) of this section, payment of all allowable direct and indirect 51503
costs of the district, the county sanitary engineer or sanitary 51504
engineering department, or a federal or state grant program, 51505
incurred for sanitary purposes under this chapter, and shall be 51506
applied second to the payment of debt charges payable on any 51507
outstanding public obligations issued or incurred for the 51508
acquisition or construction of sanitary facilities for or serving 51509
the district, or for the funding of a bond retirement or other 51510
fund established for the payment of or security for the 51511
obligations. Any surplus remaining may be applied to the 51512
acquisition or construction of those facilities or for the payment 51513
of contributions to be made, or costs incurred, for the 51514
acquisition or construction of those facilities under cooperative 51515
contracts. Moneys in the sanitary fund shall not be expended other 51516
than for the use and benefit of the district. 51517

(D) The board may fix reasonable rates and charges, including 51518
connection charges and penalties for late payments, to be paid by 51519
any person or public agency owning or having possession or control 51520
of any properties that are connected with, capable of being served 51521
by, or otherwise served directly or indirectly by, drainage 51522
facilities owned or operated by or under the jurisdiction of the 51523
county, including, but not limited to, properties requiring, or 51524
lying within an area of the district requiring, in the judgment of 51525
the board, the collection, control, or abatement of waters 51526
originating or accumulating in, or flowing in, into, or through, 51527
the district, and may change those rates and charges from time to 51528
time as it considers advisable. The In addition, the board may fix 51529

the rates and charges in order to pay the costs of complying with 51530
the requirements of phase II of the storm water program of the 51531
national pollutant discharge elimination system established in 40 51532
C.F.R. part 122. 51533

The rates and charges shall be payable periodically as 51534
determined by the board, except that any connection charges shall 51535
be paid in full in one payment, or, if determined by the board to 51536
be equitable in a resolution relating to the payment of those 51537
charges, provision considered adequate by the board shall be made 51538
for their payment in installments at the times, in the amounts, 51539
and with the security, carrying charges, and penalties as may be 51540
found by the board in that resolution to be fair and appropriate. 51541
The board may include amounts attributable to connection charges 51542
being paid in installments in its billings of rates and charges 51543
for the services provided by the drainage facilities. In the case 51544
of rates and charges that are fixed in order to pay the costs of 51545
complying with the requirements of phase II of the storm water 51546
program of the national pollutant discharge elimination system 51547
established in 40 C.F.R. part 122, the rates and charges may be 51548
paid annually or semiannually with real property taxes, provided 51549
that the board certifies to the county auditor information that is 51550
sufficient for the auditor to identify each parcel of property for 51551
which a rate or charge is levied and the amount of the rate or 51552
charge. 51553

When any of the drainage rates or charges are not paid when 51554
due, the board may do any or all of the following as it considers 51555
appropriate: 51556

(1) Certify the unpaid rates or charges, together with any 51557
penalties, to the county auditor, who shall place them upon the 51558
real property tax list and duplicate against the property to which 51559
the rates or charges apply. The certified amount shall be a lien 51560
on the property from the date placed on the real property tax list 51561

and duplicate and shall be collected in the same manner as taxes, 51562
except that notwithstanding section 323.15 of the Revised Code, a 51563
county treasurer shall accept a payment in that amount when 51564
separately tendered as payment for the full amount of the unpaid 51565
drainage rates or charges and associated penalties. The lien shall 51566
be released immediately upon payment in full of the certified 51567
amount. 51568

(2) Collect the unpaid rates or charges, together with any 51569
penalties, by actions at law in the name of the county from an 51570
owner, tenant, or other person or public agency that is liable for 51571
the payment of the rates or charges; 51572

(3) Terminate, in accordance with established rules, the 51573
drainage service for the particular property until the unpaid 51574
rates or charges, together with any penalties, are paid in full; 51575

(4) Apply, to the extent required, any security deposit made 51576
in accordance with established rules to the payment of drainage 51577
rates and charges applicable to the particular property. 51578

All moneys collected as drainage rates, charges, or penalties 51579
in or for any sewer district shall be paid to the county treasurer 51580
and kept in a separate and distinct drainage fund established by 51581
the board to the credit of the district. Except as otherwise 51582
provided in any proceedings authorizing or providing for the 51583
security for and payment of any public obligations, or in any 51584
indenture or trust or other agreement securing public obligations, 51585
moneys in the drainage fund shall be applied first to the payment 51586
of the cost of the management, maintenance, and operation of the 51587
drainage facilities of, or used or operated for, the district, 51588
which cost may include the county's share of management, 51589
maintenance, and operation costs under cooperative contracts for 51590
the acquisition, construction, or use of drainage facilities and, 51591
in accordance with a cost allocation plan adopted under division 51592
(E) of this section, payment of all allowable direct and indirect 51593

costs of the district, the county sanitary engineer or sanitary 51594
engineering department, or a federal or state grant program, 51595
incurred for drainage purposes under this chapter, and shall be 51596
applied second to the payment of debt charges payable on any 51597
outstanding public obligations issued or incurred for the 51598
acquisition or construction of drainage facilities for or serving 51599
the district, or for the funding of a bond retirement or other 51600
fund established for the payment of or security for the 51601
obligations. Any surplus remaining may be applied to the 51602
acquisition or construction of those facilities or for the payment 51603
of contributions to be made, or costs incurred, for the 51604
acquisition or construction of those facilities under cooperative 51605
contracts. Moneys in the drainage fund shall not be expended other 51606
than for the use and benefit of the district. 51607

(E) A board of county commissioners may adopt a cost 51608
allocation plan that identifies, accumulates, and distributes 51609
allowable direct and indirect costs that may be paid from each of 51610
the funds of the district created pursuant to divisions (C) and 51611
(D) of this section, and that prescribes methods for allocating 51612
those costs. The plan shall authorize payment from each of those 51613
funds of only those costs incurred by the district, the county 51614
sanitary engineer or sanitary engineering department, or a federal 51615
or state grant program, and those costs incurred by the general 51616
and other funds of the county for a common or joint purpose, that 51617
are necessary and reasonable for the proper and efficient 51618
administration of the district under this chapter and properly 51619
attributable to the particular fund of the district. The plan 51620
shall not authorize payment from either of the funds of any 51621
general government expense required to carry out the overall 51622
governmental responsibilities of a county. The plan shall conform 51623
to United States office of management and budget Circular A-87, 51624
"Cost Principles for State, Local, and Indian Tribal Governments," 51625
published May 17, 1995. 51626

Section 2. That existing sections 9.01, 9.83, 101.34, 101.72, 51627
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5111.017, 5111.173, 5115.011, 5115.012, 5115.06, 5115.061 of the 51726
Revised Code are hereby repealed. 51727

Section 3.01. That the version of section 921.22 of the 51728
Revised Code that is scheduled to take effect July 1, 2004, be 51729
amended to read as follows: 51730

Sec. 921.22. The pesticide program fund is hereby created in 51731
the state treasury. ~~All~~ The portion of the money in the fund that 51732
is collected under this chapter shall be used to carry out the 51733
purposes of this chapter. The portion of the money in the fund 51734
that is collected under section 927.69 of the Revised Code shall 51735
be used to carry out the purposes specified in that section and 51736
the portion of the money in the fund that is collected under 51737
section 927.701 of the Revised Code shall be used to carry out the 51738
purposes of that section. The fund shall consist of fees collected 51739
under sections 921.01 to 921.15 and section 927.69 of the Revised 51740
Code, money collected under section 927.701 of the Revised Code, 51741
and all fines, penalties, costs, and damages, except court costs, 51742
that are collected by either the director of agriculture or the 51743
attorney general in consequence of any violation of this chapter. 51744

Section 3.02. That the existing version of section 921.22 of 51745
the Revised Code that is scheduled to take effect July 1, 2004, is 51746
hereby repealed. 51747

Section 3.03. Sections 3.01 and 3.02 of this act take effect 51748
July 1, 2004. 51749

Section 3.04. That the version of section 3332.04 of the 51750
Revised Code that is scheduled to take effect on July 1, 2003, be 51751
amended to read as follows: 51752

Sec. 3332.04. The state board of career colleges and schools 51753
may appoint an executive director and such other staff as may be 51754
required for the performance of the board's duties and provide 51755
necessary facilities. In selecting an executive director, the 51756
board shall appoint an individual with a background or experience 51757
in the regulation of commerce, business, or education. The board 51758
may also arrange for services and facilities to be provided by the 51759
state board of education and the Ohio board of regents. All 51760
receipts of the board shall be deposited in the ~~career colleges~~ 51761
~~and schools operating fund, which is hereby created in the state~~ 51762
~~treasury. Moneys in the fund shall be used solely for the~~ 51763
~~administration and enforcement of Chapter 3332. of the Revised~~ 51764
~~Code. All investment earnings on the fund shall be credited to the~~ 51765
to the credit of the occupational licensing and regulatory fund. 51766

Section 3.05. That the version of section 3332.04 of the 51767
Revised Code that is scheduled to take effect on July 1, 2003, is 51768
hereby repealed. 51769

Section 3.06. Sections 3.04 and 3.05 of this act take effect 51770
July 1, 2003. 51771

Section 3.06A. That the version of section 2305.234 of the 51772
Revised Code that is scheduled to take effect January 1, 2004, be 51773
amended to read as follows: 51774

Sec. 2305.234. (A) As used in this section: 51775

(1) "Chiropractic claim," "medical claim," and "optometric 51776
claim" have the same meanings as in section 2305.113 of the 51777
Revised Code. 51778

(2) "Dental claim" has the same meaning as in section 51779
2305.113 of the Revised Code, except that it does not include any 51780

claim arising out of a dental operation or any derivative claim	51781
for relief that arises out of a dental operation.	51782
(3) "Governmental health care program" has the same meaning	51783
as in section 4731.65 of the Revised Code.	51784
(4) "Health care professional" means any of the following who	51785
provide medical, dental, or other health-related diagnosis, care,	51786
or treatment:	51787
(a) Physicians authorized under Chapter 4731. of the Revised	51788
Code to practice medicine and surgery or osteopathic medicine and	51789
surgery;	51790
(b) Registered nurses, advanced practice nurses, and licensed	51791
practical nurses licensed under Chapter 4723. of the Revised Code;	51792
(c) Physician assistants authorized to practice under Chapter	51793
4730. of the Revised Code;	51794
(d) Dentists and dental hygienists licensed under Chapter	51795
4715. of the Revised Code;	51796
(e) Physical therapists licensed under Chapter 4755. of the	51797
Revised Code;	51798
(f) Chiropractors licensed under Chapter 4734. of the Revised	51799
Code;	51800
(g) Optometrists licensed under Chapter 4725. of the Revised	51801
Code;	51802
(h) Podiatrists authorized under Chapter 4731. of the Revised	51803
Code to practice podiatry;	51804
(i) Dietitians licensed under Chapter 4759. of the Revised	51805
Code;	51806
(j) Pharmacists licensed under Chapter 4729. of the Revised	51807
Code;	51808
(k) Emergency medical technicians-basic, emergency medical	51809

technicians-intermediate, and emergency medical 51810
technicians-paramedic, certified under Chapter 4765. of the 51811
Revised Code. 51812

(5) "Health care worker" means a person other than a health 51813
care professional who provides medical, dental, or other 51814
health-related care or treatment under the direction of a health 51815
care professional with the authority to direct that individual's 51816
activities, including medical technicians, medical assistants, 51817
dental assistants, orderlies, aides, and individuals acting in 51818
similar capacities. 51819

(6) "Indigent and uninsured person" means a person who meets 51820
all of the following requirements: 51821

(a) The person's income is not greater than one hundred fifty 51822
per cent of the current poverty line as defined by the United 51823
States office of management and budget and revised in accordance 51824
with section 673(2) of the "Omnibus Budget Reconciliation Act of 51825
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 51826

(b) The person is not eligible to receive medical assistance 51827
under Chapter 5111., disability ~~assistance~~ medical assistance 51828
under Chapter 5115. of the Revised Code, or assistance under any 51829
other governmental health care program. 51830

(c) Either of the following applies: 51831

(i) The person is not a policyholder, certificate holder, 51832
insured, contract holder, subscriber, enrollee, member, 51833
beneficiary, or other covered individual under a health insurance 51834
or health care policy, contract, or plan. 51835

(ii) The person is a policyholder, certificate holder, 51836
insured, contract holder, subscriber, enrollee, member, 51837
beneficiary, or other covered individual under a health insurance 51838
or health care policy, contract, or plan, but the insurer, policy, 51839
contract, or plan denies coverage or is the subject of insolvency 51840

or bankruptcy proceedings in any jurisdiction. 51841

(7) "Operation" means any procedure that involves cutting or 51842
otherwise infiltrating human tissue by mechanical means, including 51843
surgery, laser surgery, ionizing radiation, therapeutic 51844
ultrasound, or the removal of intraocular foreign bodies. 51845
"Operation" does not include the administration of medication by 51846
injection, unless the injection is administered in conjunction 51847
with a procedure infiltrating human tissue by mechanical means 51848
other than the administration of medicine by injection. 51849

(8) "Nonprofit shelter or health care facility" means a 51850
charitable nonprofit corporation organized and operated pursuant 51851
to Chapter 1702. of the Revised Code, or any charitable 51852
organization not organized and not operated for profit, that 51853
provides shelter, health care services, or shelter and health care 51854
services to indigent and uninsured persons, except that "shelter 51855
or health care facility" does not include a hospital as defined in 51856
section 3727.01 of the Revised Code, a facility licensed under 51857
Chapter 3721. of the Revised Code, or a medical facility that is 51858
operated for profit. 51859

(9) "Tort action" means a civil action for damages for 51860
injury, death, or loss to person or property other than a civil 51861
action for damages for a breach of contract or another agreement 51862
between persons or government entities. 51863

(10) "Volunteer" means an individual who provides any 51864
medical, dental, or other health-care related diagnosis, care, or 51865
treatment without the expectation of receiving and without receipt 51866
of any compensation or other form of remuneration from an indigent 51867
and uninsured person, another person on behalf of an indigent and 51868
uninsured person, any shelter or health care facility, or any 51869
other person or government entity. 51870

(11) "Community control sanction" has the same meaning as in 51871

section 2929.01 of the Revised Code. 51872

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 51873
health care professional who is a volunteer and complies with 51874
division (B)(2) of this section is not liable in damages to any 51875
person or government entity in a tort or other civil action, 51876
including an action on a medical, dental, chiropractic, 51877
optometric, or other health-related claim, for injury, death, or 51878
loss to person or property that allegedly arises from an action or 51879
omission of the volunteer in the provision at a nonprofit shelter 51880
or health care facility to an indigent and uninsured person of 51881
medical, dental, or other health-related diagnosis, care, or 51882
treatment, including the provision of samples of medicine and 51883
other medical products, unless the action or omission constitutes 51884
willful or wanton misconduct. 51885

(2) To qualify for the immunity described in division (B)(1) 51886
of this section, a health care professional shall do all of the 51887
following prior to providing diagnosis, care, or treatment: 51888

(a) Determine, in good faith, that the indigent and uninsured 51889
person is mentally capable of giving informed consent to the 51890
provision of the diagnosis, care, or treatment and is not subject 51891
to duress or under undue influence; 51892

(b) Inform the person of the provisions of this section; 51893

(c) Obtain the informed consent of the person and a written 51894
waiver, signed by the person or by another individual on behalf of 51895
and in the presence of the person, that states that the person is 51896
mentally competent to give informed consent and, without being 51897
subject to duress or under undue influence, gives informed consent 51898
to the provision of the diagnosis, care, or treatment subject to 51899
the provisions of this section. 51900

(3) A physician or podiatrist who is not covered by medical 51901
malpractice insurance, but complies with division (B)(2) of this 51902

section, is not required to comply with division (A) of section 51903
4731.143 of the Revised Code. 51904

(C) Subject to divisions (E) and (F)(3) of this section, 51905
health care workers who are volunteers are not liable in damages 51906
to any person or government entity in a tort or other civil 51907
action, including an action upon a medical, dental, chiropractic, 51908
optometric, or other health-related claim, for injury, death, or 51909
loss to person or property that allegedly arises from an action or 51910
omission of the health care worker in the provision at a nonprofit 51911
shelter or health care facility to an indigent and uninsured 51912
person of medical, dental, or other health-related diagnosis, 51913
care, or treatment, unless the action or omission constitutes 51914
willful or wanton misconduct. 51915

(D) Subject to divisions (E) and (F)(3) of this section and 51916
section 3701.071 of the Revised Code, a nonprofit shelter or 51917
health care facility associated with a health care professional 51918
described in division (B)(1) of this section or a health care 51919
worker described in division (C) of this section is not liable in 51920
damages to any person or government entity in a tort or other 51921
civil action, including an action on a medical, dental, 51922
chiropractic, optometric, or other health-related claim, for 51923
injury, death, or loss to person or property that allegedly arises 51924
from an action or omission of the health care professional or 51925
worker in providing for the shelter or facility medical, dental, 51926
or other health-related diagnosis, care, or treatment to an 51927
indigent and uninsured person, unless the action or omission 51928
constitutes willful or wanton misconduct. 51929

(E)(1) Except as provided in division (E)(2) of this section, 51930
the immunities provided by divisions (B), (C), and (D) of this 51931
section are not available to an individual or to a nonprofit 51932
shelter or health care facility if, at the time of an alleged 51933
injury, death, or loss to person or property, the individuals 51934

involved are providing one of the following:	51935
(a) Any medical, dental, or other health-related diagnosis, care, or treatment pursuant to a community service work order entered by a court under division (B) of section 2951.02 of the Revised Code or imposed by a court as a community control sanction;	51936 51937 51938 51939 51940
(b) Performance of an operation;	51941
(c) Delivery of a baby.	51942
(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	51943 51944 51945 51946 51947
(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.	51948 51949 51950
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.	51951 51952 51953 51954 51955 51956
(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.	51957 51958 51959 51960
(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.	51961 51962 51963 51964

(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

Section 3.06B. That the existing version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, is hereby repealed.

Section 3.06C. Sections 3.06A and 3.06B of this act take effect January 1, 2004.

Section 3.06D. That the version of section 3734.44 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:

Sec. 3734.44. Notwithstanding the provisions of any law to the contrary, no permit or license shall be issued or renewed by the director of environmental protection, ~~the hazardous waste facility board,~~ or a board of health:

(A) Unless the director, ~~the hazardous waste facility board,~~ or the board of health finds that the applicant, in any prior performance record in the transportation, transfer, treatment, storage, or disposal of solid wastes, infectious wastes, or hazardous waste, has exhibited sufficient reliability, expertise, and competency to operate the solid waste, infectious waste, or hazardous waste facility, given the potential for harm to human health and the environment that could result from the irresponsible operation of the facility, or, if no prior record exists, that the applicant is likely to exhibit that reliability, expertise, and competence;

(B) If any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof, has been convicted of any of the following crimes under the laws of this state or equivalent laws of any other jurisdiction:	51994 51995 51996 51997 51998 51999 52000
(1) Murder;	52001
(2) Kidnapping;	52002
(3) Gambling;	52003
(4) Robbery;	52004
(5) Bribery;	52005
(6) Extortion;	52006
(7) Criminal usury;	52007
(8) Arson;	52008
(9) Burglary;	52009
(10) Theft and related crimes;	52010
(11) Forgery and fraudulent practices;	52011
(12) Fraud in the offering, sale, or purchase of securities;	52012
(13) Alteration of motor vehicle identification numbers;	52013
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	52014 52015
(15) Unlawful possession or use of destructive devices or explosives;	52016 52017
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana	52018 52019 52020 52021

resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;

(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;

(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;

(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;

(20) A violation of any provision of Chapter 2909. of the Revised Code;

(21) Any offense specified in Chapter 2921. of the Revised Code.

(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof for any of the offenses enumerated in that division as disqualification criteria if that applicant has affirmatively demonstrated rehabilitation of the individual or business concern by a preponderance of the evidence. If any such individual was convicted of any of the offenses so enumerated that are felonies, a permit shall be denied unless five years have elapsed since the individual was fully discharged from imprisonment and parole for the offense, from a community control sanction imposed under section 2929.15 of the Revised Code, from a post-release control sanction imposed under section 2967.28 of the

Revised Code for the offense, or imprisonment, probation, and 52053
parole for an offense that was committed prior to July 1, 1996. In 52054
determining whether an applicant has affirmatively demonstrated 52055
rehabilitation, the director, ~~the hazardous waste facility board,~~ 52056
or the board of health shall request a recommendation on the 52057
matter from the attorney general and shall consider and base the 52058
determination on the following factors: 52059

(1) The nature and responsibilities of the position a 52060
convicted individual would hold; 52061

(2) The nature and seriousness of the offense; 52062

(3) The circumstances under which the offense occurred; 52063

(4) The date of the offense; 52064

(5) The age of the individual when the offense was committed; 52065

(6) Whether the offense was an isolated or repeated incident; 52066

(7) Any social conditions that may have contributed to the 52067
offense; 52068

(8) Any evidence of rehabilitation, including good conduct in 52069
prison or in the community, counseling or psychiatric treatment 52070
received, acquisition of additional academic or vocational 52071
schooling, successful participation in correctional work release 52072
programs, or the recommendation of persons who have or have had 52073
the applicant under their supervision; 52074

(9) In the instance of an applicant that is a business 52075
concern, rehabilitation shall be established if the applicant has 52076
implemented formal management controls to minimize and prevent the 52077
occurrence of violations and activities that will or may result in 52078
permit or license denial or revocation or if the applicant has 52079
formalized those controls as a result of a revocation or denial of 52080
a permit or license. Those controls may include, but are not 52081
limited to, instituting environmental auditing programs to help 52082

ensure the adequacy of internal systems to achieve, maintain, and 52083
monitor compliance with applicable environmental laws and 52084
standards or instituting an antitrust compliance auditing program 52085
to help ensure full compliance with applicable antitrust laws. The 52086
business concern shall prove by a preponderance of the evidence 52087
that the management controls are effective in preventing the 52088
violations that are the subject of concern. 52089

(D) Unless the director, ~~the hazardous waste facility board,~~ 52090
or the board of health finds that the applicant has a history of 52091
compliance with environmental laws in this state and other 52092
jurisdictions and is presently in substantial compliance with, or 52093
on a legally enforceable schedule that will result in compliance 52094
with, environmental laws in this state and other jurisdictions; 52095

(E) With respect to the approval of a permit, if the director 52096
~~or the hazardous waste facility board~~ determines that current 52097
prosecutions or pending charges in any jurisdiction for any of the 52098
offenses enumerated in division (B) of this section against any 52099
individual or business concern required to be listed in the 52100
disclosure statement or shown by the investigation to have a 52101
beneficial interest in the business of the applicant other than an 52102
equity interest or debt liability are of such magnitude that they 52103
prevent making the finding required under division (A) of this 52104
section, provided that at the request of the applicant or the 52105
individual or business concern charged, the director ~~or the~~ 52106
~~hazardous waste facility board~~ shall defer decision upon the 52107
application during the pendency of the charge. 52108

Section 3.06E. That the existing version of section 3734.44 52109
of the Revised Code that is scheduled to take effect on January 1, 52110
2004, is hereby repealed. 52111

Section 3.06F. Sections 3.06D and 3.06E of this act take 52112

effect January 1, 2004. 52113

Section 3.07. That the versions of sections 4503.234, 52114
4511.191, and 4511.75 of the Revised Code that are scheduled to 52115
take effect January 1, 2004, be amended to read as follows: 52116

Sec. 4503.234. (A) If a court is required by section 52117
4503.233, 4503.236, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 52118
4511.193, or 4511.203 of the Revised Code to order the criminal 52119
forfeiture of a vehicle, the order shall be issued and enforced in 52120
accordance with this division, subject to division (B) of this 52121
section. An order of criminal forfeiture issued under this 52122
division shall authorize an appropriate law enforcement agency to 52123
seize the vehicle ordered criminally forfeited upon the terms and 52124
conditions that the court determines proper. No vehicle ordered 52125
criminally forfeited pursuant to this division shall be considered 52126
contraband for purposes of section 2933.41, 2933.42, or 2933.43 of 52127
the Revised Code, but the law enforcement agency that employs the 52128
officer who seized it shall hold the vehicle for disposal in 52129
accordance with this section. A forfeiture order may be issued 52130
only after the offender has been provided with an opportunity to 52131
be heard. The prosecuting attorney shall give the offender written 52132
notice of the possibility of forfeiture by sending a copy of the 52133
relevant uniform traffic ticket or other written notice to the 52134
offender not less than seven days prior to the date of issuance of 52135
the forfeiture order. A vehicle is subject to an order of criminal 52136
forfeiture pursuant to this division upon the conviction of the 52137
offender of or plea of guilty by the offender to a violation of 52138
division (A) of section 4503.236, section 4510.11, 4510.14, 52139
4510.16, or 4511.203, or division (A) of section 4511.19 of the 52140
Revised Code, or a municipal ordinance that is substantially 52141
equivalent to any of those sections or divisions. 52142

(B)(1) Prior to the issuance of an order of criminal 52143

forfeiture pursuant to this section, the law enforcement agency 52144
that employs the law enforcement officer who seized the vehicle 52145
shall conduct or cause to be conducted a search of the appropriate 52146
public records that relate to the vehicle and shall make or cause 52147
to be made reasonably diligent inquiries to identify any 52148
lienholder or any person or entity with an ownership interest in 52149
the vehicle. The court that is to issue the forfeiture order also 52150
shall cause a notice of the potential order relative to the 52151
vehicle and of the expected manner of disposition of the vehicle 52152
after its forfeiture to be sent to any lienholder or person who is 52153
known to the court to have any right, title, or interest in the 52154
vehicle. The court shall give the notice by certified mail, return 52155
receipt requested, or by personal service. 52156

(2) No order of criminal forfeiture shall be issued pursuant 52157
to this section if a lienholder or other person with an ownership 52158
interest in the vehicle establishes to the court, by a 52159
preponderance of the evidence after filing a motion with the 52160
court, that the lienholder or other person neither knew nor should 52161
have known after a reasonable inquiry that the vehicle would be 52162
used or involved, or likely would be used or involved, in the 52163
violation resulting in the issuance of the order of criminal 52164
forfeiture or the violation of the order of immobilization issued 52165
under section 4503.233 of the Revised Code, that the lienholder or 52166
other person did not expressly or impliedly consent to the use or 52167
involvement of the vehicle in that violation, and that the lien or 52168
ownership interest was perfected pursuant to law prior to the 52169
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 52170
or 4511.203 of the Revised Code. If the lienholder or holder of 52171
the ownership interest satisfies the court that these criteria 52172
have been met, the court shall preserve the lienholder's or other 52173
person's lien or interest, and the court either shall return the 52174
vehicle to the holder, or shall order that the proceeds of any 52175
sale held pursuant to division (C)(2) of this section be paid to 52176

the lienholder or holder of the interest less the costs of 52177
seizure, storage, and maintenance of the vehicle. The court shall 52178
not return a vehicle to a lienholder or a holder of an ownership 52179
interest unless the lienholder or holder submits an affidavit to 52180
the court that states that the lienholder or holder will not 52181
return the vehicle to the person from whom the vehicle was seized 52182
pursuant to the order of criminal forfeiture or to any member of 52183
that person's family and will not otherwise knowingly permit that 52184
person or any member of that person's family to obtain possession 52185
of the vehicle. 52186

(3) No order of criminal forfeiture shall be issued pursuant 52187
to this section if a person with an interest in the vehicle 52188
establishes to the court, by a preponderance of the evidence after 52189
filing a motion with the court, that the person neither knew nor 52190
should have known after a reasonable inquiry that the vehicle had 52191
been used or was involved in the violation resulting in the 52192
issuance of the order of criminal forfeiture or the violation of 52193
the order of immobilization issued under section 4503.233 of the 52194
Revised Code, that the person did not expressly or impliedly 52195
consent to the use or involvement of the vehicle in that 52196
violation, that the interest was perfected in good faith and for 52197
value pursuant to law between the time of the arrest of the 52198
offender and the final disposition of the criminal charge in 52199
question, and that the vehicle was in the possession of the 52200
interest holder at the time of the perfection of the interest. If 52201
the court is satisfied that the interest holder has met these 52202
criteria, the court shall preserve the interest holder's interest, 52203
and the court either shall return the vehicle to the interest 52204
holder or order that the proceeds of any sale held pursuant to 52205
division (C) of this section be paid to the holder of the interest 52206
less the costs of seizure, storage, and maintenance of the 52207
vehicle. The court shall not return a vehicle to an interest 52208
holder unless the holder submits an affidavit to the court stating 52209

that the holder will not return the vehicle to the person from 52210
whom the holder acquired the holder's interest, nor to any member 52211
of that person's family, and the holder will not otherwise 52212
knowingly permit that person or any member of that person's family 52213
to obtain possession of the vehicle. 52214

(C) A vehicle ordered criminally forfeited to the state 52215
pursuant to this section shall be disposed of as follows: 52216

(1) It shall be given to the law enforcement agency that 52217
employs the law enforcement officer who seized the vehicle, if 52218
that agency desires to have it; 52219

(2) If a vehicle is not disposed of pursuant to division 52220
(C)(1) of this section, the vehicle shall be sold, without 52221
appraisal, if the value of the vehicle is two thousand dollars or 52222
more as determined by publications of the national auto dealer's 52223
association, at a public auction to the highest bidder for cash. 52224
Prior to the sale, the prosecuting attorney in the case shall 52225
cause a notice of the proposed sale to be given in accordance with 52226
law. The court shall cause notice of the sale of the vehicle to be 52227
published in a newspaper of general circulation in the county in 52228
which the court is located at least seven days prior to the date 52229
of the sale. The proceeds of a sale under this division or 52230
division (F) of this section shall be applied in the following 52231
order: 52232

(a) First, they shall be applied to the payment of the costs 52233
incurred in connection with the seizure, storage, and maintenance 52234
of, and provision of security for, the vehicle, any proceeding 52235
arising out of the forfeiture, and if any, the sale. 52236

(b) Second, the remaining proceeds after compliance with 52237
division (C)(2)(a) of this section, shall be applied to the 52238
payment of the value of any lien or ownership interest in the 52239
vehicle preserved under division (B) of this section. 52240

(c) Third, the remaining proceeds, after compliance with 52241
divisions (C)(2)(a) and (b) of this section, shall be applied to 52242
the appropriate funds in accordance with divisions (D)(1)(c) and 52243
(2) of section 2933.43 of the Revised Code, provided that the 52244
total of the amount so deposited under this division shall not 52245
exceed one thousand dollars. The remaining proceeds deposited 52246
under this division shall be used only for the purposes authorized 52247
by those divisions and division (D)(3)(a)(ii) of that section. 52248

(d) Fourth, the remaining proceeds after compliance with 52249
divisions (C)(2)(a) and (b) of this section and after deposit of a 52250
total amount of one thousand dollars under division (C)(2)(c) of 52251
this section shall be applied so that ~~fifty~~ seventy-five per cent 52252
of those remaining proceeds is paid into the reparation fund 52253
established by section 2743.191 of the Revised Code, ~~twenty-five~~ 52254
~~per cent is paid into the drug abuse resistance education programs~~ 52255
~~fund created by division (F)(2)(c) of section 4511.191 of the~~ 52256
~~Revised Code and shall be used only for the purposes authorized by~~ 52257
~~division (F)(2)(c) of that section,~~ and twenty-five per cent is 52258
applied to the appropriate funds in accordance with division 52259
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 52260
deposited into any fund described in section 2933.43 of the 52261
Revised Code shall be used only for the purposes authorized by 52262
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 52263

(D) Except as provided in division (E) of section 4511.203 of 52264
the Revised Code and notwithstanding any other provision of law, 52265
neither the registrar of motor vehicles nor any deputy registrar 52266
shall accept an application for the registration of any motor 52267
vehicle in the name of any person, or register any motor vehicle 52268
in the name of any person, if both of the following apply: 52269

(1) Any vehicle registered in the person's name was 52270
criminally forfeited under this section and section 4503.233, 52271
4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 52272

4511.19, 4511.193, or 4511.203 of the Revised Code; 52273

(2) Less than five years have expired since the issuance of 52274
the most recent order of criminal forfeiture issued in relation to 52275
a vehicle registered in the person's name. 52276

(E) If a court is required by section 4503.233, 4503.236, 52277
4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 52278
4511.193, or 4511.203 of the Revised Code to order the criminal 52279
forfeiture to the state of a vehicle, and the title to the motor 52280
vehicle is assigned or transferred, and division (B)(2) or (3) of 52281
this section applies, in addition to or independent of any other 52282
penalty established by law, the court may fine the offender the 52283
value of the vehicle as determined by publications of the national 52284
auto dealer's association. The proceeds from any fine imposed 52285
under this division shall be distributed in accordance with 52286
division (C)(2) of this section. 52287

(F) As used in this section and divisions (D)(1)(c), (D)(2), 52288
and (D)(3)(a)(ii) of section 2933.43 of the Revised Code in 52289
relation to proceeds of the sale of a vehicle under division (C) 52290
of this section, "prosecuting attorney" includes the prosecuting 52291
attorney, village solicitor, city director of law, or similar 52292
chief legal officer of a municipal corporation who prosecutes the 52293
case resulting in the conviction or guilty plea in question. 52294

(G) If the vehicle to be forfeited has an average retail 52295
value of less than two thousand dollars as determined by 52296
publications of the national auto dealer's association, no public 52297
auction is required to be held. In such a case, the court may 52298
direct that the vehicle be disposed of in any manner that it 52299
considers appropriate, including assignment of the certificate of 52300
title to the motor vehicle to a salvage dealer or a scrap metal 52301
processing facility. The court shall not transfer the vehicle to 52302
the person who is the vehicle's immediate previous owner. 52303

If the court assigns the motor vehicle to a salvage dealer or scrap metal processing facility and the court is in possession of the certificate of title to the motor vehicle, it shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The court shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

If the court is not in possession of the certificate of title to the motor vehicle, the court shall issue an order transferring ownership of the motor vehicle to a salvage dealer or scrap metal processing facility, send the order to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located, and send a photocopy of the order to the salvage dealer or scrap metal processing facility for its records. The clerk shall make the proper notations or entries in the clerk's records concerning the disposition of the motor vehicle.

Sec. 4511.191. (A)(1) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of

division (A) or (B) of section 4511.19 of the Revised Code, 52335
section 4511.194 of the Revised Code, or a municipal OVI 52336
ordinance. 52337

(3) The chemical test or tests under division (A)(2) of this 52338
section shall be administered at the request of a law enforcement 52339
officer having reasonable grounds to believe the person was 52340
operating or in physical control of a vehicle, streetcar, or 52341
trackless trolley in violation of a division, section, or 52342
ordinance identified in division (A)(2) of this section. The law 52343
enforcement agency by which the officer is employed shall 52344
designate which of the tests shall be administered. 52345

(4) Any person who is dead or unconscious, or who otherwise 52346
is in a condition rendering the person incapable of refusal, shall 52347
be deemed to have consented as provided in division (A)(2) of this 52348
section, and the test or tests may be administered, subject to 52349
sections 313.12 to 313.16 of the Revised Code. 52350

(B)(1) Upon receipt of the sworn report of a law enforcement 52351
officer who arrested a person for a violation of division (A) or 52352
(B) of section 4511.19 of the Revised Code, section 4511.194 of 52353
the Revised Code, or a municipal OVI ordinance that was completed 52354
and sent to the registrar and a court pursuant to section 4511.192 52355
of the Revised Code in regard to a person who refused to take the 52356
designated chemical test, the registrar shall enter into the 52357
registrar's records the fact that the person's driver's or 52358
commercial driver's license or permit or nonresident operating 52359
privilege was suspended by the arresting officer under this 52360
division and that section and the period of the suspension, as 52361
determined under this section. The suspension shall be subject to 52362
appeal as provided in section 4511.197 of the Revised Code. The 52363
suspension shall be for whichever of the following periods 52364
applies: 52365

(a) Except when division (B)(1)(b), (c), or (d) of this 52366

section applies and specifies a different class or length of 52367
suspension, the suspension shall be a class C suspension for the 52368
period of time specified in division (B)(3) of section 4510.02 of 52369
the Revised Code. 52370

(b) If the arrested person, within six years of the date on 52371
which the person refused the request to consent to the chemical 52372
test, had refused one previous request to consent to a chemical 52373
test, the suspension shall be a class B suspension imposed for the 52374
period of time specified in division (B)(2) of section 4510.02 of 52375
the Revised Code. 52376

(c) If the arrested person, within six years of the date on 52377
which the person refused the request to consent to the chemical 52378
test, had refused two previous requests to consent to a chemical 52379
test, the suspension shall be a class A suspension imposed for the 52380
period of time specified in division (B)(1) of section 4510.02 of 52381
the Revised Code. 52382

(d) If the arrested person, within six years of the date on 52383
which the person refused the request to consent to the chemical 52384
test, had refused three or more previous requests to consent to a 52385
chemical test, the suspension shall be for five years. 52386

(2) The registrar shall terminate a suspension of the 52387
driver's or commercial driver's license or permit of a resident or 52388
of the operating privilege of a nonresident, or a denial of a 52389
driver's or commercial driver's license or permit, imposed 52390
pursuant to division (B)(1) of this section upon receipt of notice 52391
that the person has entered a plea of guilty to, or has been 52392
convicted of, operating a vehicle in violation of section 4511.19 52393
of the Revised Code or in violation of a municipal OVI ordinance, 52394
if the offense for which the conviction is had or the plea is 52395
entered arose from the same incident that led to the suspension or 52396
denial. 52397

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(2), (3), (4), or (5) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised

Code. 52430

(b) The suspension shall be a class C suspension for the 52431
period of time specified in division (B)(3) of section 4510.02 of 52432
the Revised Code if the person has been convicted of or pleaded 52433
guilty to, within six years of the date the test was conducted, 52434
one violation of division (A) or (B) of section 4511.19 of the 52435
Revised Code or one other equivalent offense. 52436

(c) If, within six years of the date the test was conducted, 52437
the person has been convicted of or pleaded guilty to two 52438
violations of a statute or ordinance described in division 52439
(C)(1)(b) of this section, the suspension shall be a class B 52440
suspension imposed for the period of time specified in division 52441
(B)(2) of section 4510.02 of the Revised Code. 52442

(d) If, within six years of the date the test was conducted, 52443
the person has been convicted of or pleaded guilty to more than 52444
two violations of a statute or ordinance described in division 52445
(C)(1)(b) of this section, the suspension shall be a class A 52446
suspension imposed for the period of time specified in division 52447
(B)(1) of section 4510.02 of the Revised Code. 52448

(2) The registrar shall terminate a suspension of the 52449
driver's or commercial driver's license or permit of a resident or 52450
of the operating privilege of a nonresident, or a denial of a 52451
driver's or commercial driver's license or permit, imposed 52452
pursuant to division (C)(1) of this section upon receipt of notice 52453
that the person has entered a plea of guilty to, or has been 52454
convicted of, operating a vehicle in violation of section 4511.19 52455
of the Revised Code or in violation of a municipal OVI ordinance, 52456
if the offense for which the conviction is had or the plea is 52457
entered arose from the same incident that led to the suspension or 52458
denial. 52459

The registrar shall credit against any judicial suspension of 52460

a person's driver's or commercial driver's license or permit or 52461
nonresident operating privilege imposed pursuant to section 52462
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 52463
Revised Code for a violation of a municipal OVI ordinance, any 52464
time during which the person serves a related suspension imposed 52465
pursuant to division (C)(1) of this section. 52466

(D)(1) A suspension of a person's driver's or commercial 52467
driver's license or permit or nonresident operating privilege 52468
under this section for the time described in division (B) or (C) 52469
of this section is effective immediately from the time at which 52470
the arresting officer serves the notice of suspension upon the 52471
arrested person. Any subsequent finding that the person is not 52472
guilty of the charge that resulted in the person being requested 52473
to take the chemical test or tests under division (A) of this 52474
section does not affect the suspension. 52475

(2) If a person is arrested for operating a vehicle, 52476
streetcar, or trackless trolley in violation of division (A) or 52477
(B) of section 4511.19 of the Revised Code or a municipal OVI 52478
ordinance, or for being in physical control of a vehicle, 52479
streetcar, or trackless trolley in violation of section 4511.194 52480
of the Revised Code, regardless of whether the person's driver's 52481
or commercial driver's license or permit or nonresident operating 52482
privilege is or is not suspended under division (B) or (C) of this 52483
section or Chapter 4510. of the Revised Code, the person's initial 52484
appearance on the charge resulting from the arrest shall be held 52485
within five days of the person's arrest or the issuance of the 52486
citation to the person, subject to any continuance granted by the 52487
court pursuant to section 4511.197 of the Revised Code regarding 52488
the issues specified in that division. 52489

(E) When it finally has been determined under the procedures 52490
of this section and sections 4511.192 through 4511.197 of the 52491
Revised Code that a nonresident's privilege to operate a vehicle 52492

within this state has been suspended, the registrar shall give 52493
information in writing of the action taken to the motor vehicle 52494
administrator of the state of the person's residence and of any 52495
state in which the person has a license. 52496

(F) At the end of a suspension period under this section, 52497
under section 4511.194, section 4511.196, or division (G) of 52498
section 4511.19 of the Revised Code, or under section 4510.07 of 52499
the Revised Code for a violation of a municipal OVI ordinance and 52500
upon the request of the person whose driver's or commercial 52501
driver's license or permit was suspended and who is not otherwise 52502
subject to suspension, cancellation, or disqualification, the 52503
registrar shall return the driver's or commercial driver's license 52504
or permit to the person upon the occurrence of all of the 52505
conditions specified in divisions (F)(1) and (2) of this section: 52506

(1) A showing that the person has proof of financial 52507
responsibility, a policy of liability insurance in effect that 52508
meets the minimum standards set forth in section 4509.51 of the 52509
Revised Code, or proof, to the satisfaction of the registrar, that 52510
the person is able to respond in damages in an amount at least 52511
equal to the minimum amounts specified in section 4509.51 of the 52512
Revised Code. 52513

(2) Subject to the limitation contained in division (F)(3) of 52514
this section, payment by the person to the bureau of motor 52515
vehicles of a license reinstatement fee of four hundred 52516
twenty-five dollars, which fee shall be deposited in the state 52517
treasury and credited as follows: 52518

(a) One hundred twelve dollars and fifty cents shall be 52519
credited to the statewide treatment and prevention fund created by 52520
section 4301.30 of the Revised Code. The fund shall be used to pay 52521
the costs of driver treatment and intervention programs operated 52522
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 52523
director of alcohol and drug addiction services shall determine 52524

the share of the fund that is to be allocated to alcohol and drug 52525
addiction programs authorized by section 3793.02 of the Revised 52526
Code, and the share of the fund that is to be allocated to 52527
drivers' intervention programs authorized by section 3793.10 of 52528
the Revised Code. 52529

(b) Seventy-five dollars shall be credited to the reparations 52530
fund created by section 2743.191 of the Revised Code. 52531

(c) Thirty-seven dollars and fifty cents shall be credited to 52532
the indigent drivers alcohol treatment fund, which is hereby 52533
established. Except as otherwise provided in division (F)(2)(c) of 52534
this section, moneys in the fund shall be distributed by the 52535
department of alcohol and drug addiction services to the county 52536
indigent drivers alcohol treatment funds, the county juvenile 52537
indigent drivers alcohol treatment funds, and the municipal 52538
indigent drivers alcohol treatment funds that are required to be 52539
established by counties and municipal corporations pursuant to 52540
this section, and shall be used only to pay the cost of an alcohol 52541
and drug addiction treatment program attended by an offender or 52542
juvenile traffic offender who is ordered to attend an alcohol and 52543
drug addiction treatment program by a county, juvenile, or 52544
municipal court judge and who is determined by the county, 52545
juvenile, or municipal court judge not to have the means to pay 52546
for the person's attendance at the program or to pay the costs 52547
specified in division (H)(4) of this section in accordance with 52548
that division. Moneys in the fund that are not distributed to a 52549
county indigent drivers alcohol treatment fund, a county juvenile 52550
indigent drivers alcohol treatment fund, or a municipal indigent 52551
drivers alcohol treatment fund under division (H) of this section 52552
because the director of alcohol and drug addiction services does 52553
not have the information necessary to identify the county or 52554
municipal corporation where the offender or juvenile offender was 52555
arrested may be transferred by the director of budget and 52556

management to the statewide treatment and prevention fund created 52557
by section 4301.30 of the Revised Code, upon certification of the 52558
amount by the director of alcohol and drug addiction services. 52559

(d) Seventy-five dollars shall be credited to the Ohio 52560
rehabilitation services commission established by section 3304.12 52561
of the Revised Code, to the services for rehabilitation fund, 52562
which is hereby established. The fund shall be used to match 52563
available federal matching funds where appropriate, and for any 52564
other purpose or program of the commission to rehabilitate people 52565
with disabilities to help them become employed and independent. 52566

(e) ~~Seventy-five~~ Sixty dollars shall be ~~deposited into the~~ 52567
~~state treasury and~~ credited to the ~~drug abuse resistance education~~ 52568
~~public transportation grant~~ programs fund, which is hereby 52569
established, to be used by the ~~attorney general for the purposes~~ 52570
~~specified in division (L)(4) of this section~~ department of 52571
transportation to match available federal public transportation 52572
funds and for the department's related operating expenses. 52573

(f) Thirty dollars shall be credited to the state bureau of 52574
motor vehicles fund created by section 4501.25 of the Revised 52575
Code. 52576

(g) Twenty dollars shall be credited to the trauma and 52577
emergency medical services grants fund created by section 4513.263 52578
of the Revised Code. 52579

(h) Fifteen dollars shall be credited to the public safety 52580
investigative unit fund, which is hereby established, to be used 52581
by the department of public safety investigative unit for the 52582
enforcement of the laws and rules described in division (B)(1) of 52583
section 5502.14 of the Revised Code. 52584

(3) If a person's driver's or commercial driver's license or 52585
permit is suspended under this section, under section 4511.196 or 52586
division (G) of section 4511.19 of the Revised Code, under section 52587

4510.07 of the Revised Code for a violation of a municipal OVI 52588
ordinance or under any combination of the suspensions described in 52589
division (F)(3) of this section, and if the suspensions arise from 52590
a single incident or a single set of facts and circumstances, the 52591
person is liable for payment of, and shall be required to pay to 52592
the bureau, only one reinstatement fee of four hundred twenty-five 52593
dollars. The reinstatement fee shall be distributed by the bureau 52594
in accordance with division (F)(2) of this section. 52595

~~(4) The attorney general shall use amounts in the drug abuse 52596
resistance education programs fund to award grants to law 52597
enforcement agencies to establish and implement drug abuse 52598
resistance education programs in public schools. Grants awarded to 52599
a law enforcement agency under this section shall be used by the 52600
agency to pay for not more than fifty per cent of the amount of 52601
the salaries of law enforcement officers who conduct drug abuse 52602
resistance education programs in public schools. The attorney 52603
general shall not use more than six per cent of the amounts the 52604
attorney general's office receives under division (F)(2)(e) of 52605
this section to pay the costs it incurs in administering the grant 52606
program established by division (F)(2)(e) of this section and in 52607
providing training and materials relating to drug abuse resistance 52608
education programs. 52609~~

~~The attorney general shall report to the governor and the 52610
general assembly each fiscal year on the progress made in 52611
establishing and implementing drug abuse resistance education 52612
programs. These reports shall include an evaluation of the 52613
effectiveness of these programs. 52614~~

(G) Suspension of a commercial driver's license under 52615
division (B) or (C) of this section shall be concurrent with any 52616
period of disqualification under section 3123.611 or 4506.16 of 52617
the Revised Code or any period of suspension under section 3123.58 52618
of the Revised Code. No person who is disqualified for life from 52619

holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (L) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to

be deposited into a county indigent drivers alcohol treatment fund 52653
or municipal indigent drivers alcohol treatment fund shall be 52654
deposited into the appropriate fund in accordance with the 52655
applicable division. 52656

(2) That portion of the license reinstatement fee that is 52657
paid under division (F) of this section and that is credited under 52658
that division to the indigent drivers alcohol treatment fund shall 52659
be deposited into a county indigent drivers alcohol treatment 52660
fund, a county juvenile indigent drivers alcohol treatment fund, 52661
or a municipal indigent drivers alcohol treatment fund as follows: 52662

(a) If the suspension in question was imposed under this 52663
section, that portion of the fee shall be deposited as follows: 52664

(i) If the fee is paid by a person who was charged in a 52665
county court with the violation that resulted in the suspension, 52666
the portion shall be deposited into the county indigent drivers 52667
alcohol treatment fund under the control of that court; 52668

(ii) If the fee is paid by a person who was charged in a 52669
juvenile court with the violation that resulted in the suspension, 52670
the portion shall be deposited into the county juvenile indigent 52671
drivers alcohol treatment fund established in the county served by 52672
the court; 52673

(iii) If the fee is paid by a person who was charged in a 52674
municipal court with the violation that resulted in the 52675
suspension, the portion shall be deposited into the municipal 52676
indigent drivers alcohol treatment fund under the control of that 52677
court. 52678

(b) If the suspension in question was imposed under section 52679
4511.19 of the Revised Code or under section 4510.07 of the 52680
Revised Code for a violation of a municipal OVI ordinance, that 52681
portion of the fee shall be deposited as follows: 52682

(i) If the fee is paid by a person whose license or permit 52683

was suspended by a county court, the portion shall be deposited 52684
into the county indigent drivers alcohol treatment fund under the 52685
control of that court; 52686

(ii) If the fee is paid by a person whose license or permit 52687
was suspended by a municipal court, the portion shall be deposited 52688
into the municipal indigent drivers alcohol treatment fund under 52689
the control of that court. 52690

(3) Expenditures from a county indigent drivers alcohol 52691
treatment fund, a county juvenile indigent drivers alcohol 52692
treatment fund, or a municipal indigent drivers alcohol treatment 52693
fund shall be made only upon the order of a county, juvenile, or 52694
municipal court judge and only for payment of the cost of the 52695
attendance at an alcohol and drug addiction treatment program of a 52696
person who is convicted of, or found to be a juvenile traffic 52697
offender by reason of, a violation of division (A) of section 52698
4511.19 of the Revised Code or a substantially similar municipal 52699
ordinance, who is ordered by the court to attend the alcohol and 52700
drug addiction treatment program, and who is determined by the 52701
court to be unable to pay the cost of attendance at the treatment 52702
program or for payment of the costs specified in division (H)(4) 52703
of this section in accordance with that division. The alcohol and 52704
drug addiction services board or the board of alcohol, drug 52705
addiction, and mental health services established pursuant to 52706
section 340.02 or 340.021 of the Revised Code and serving the 52707
alcohol, drug addiction, and mental health service district in 52708
which the court is located shall administer the indigent drivers 52709
alcohol treatment program of the court. When a court orders an 52710
offender or juvenile traffic offender to attend an alcohol and 52711
drug addiction treatment program, the board shall determine which 52712
program is suitable to meet the needs of the offender or juvenile 52713
traffic offender, and when a suitable program is located and space 52714
is available at the program, the offender or juvenile traffic 52715

offender shall attend the program designated by the board. A 52716
reasonable amount not to exceed five per cent of the amounts 52717
credited to and deposited into the county indigent drivers alcohol 52718
treatment fund, the county juvenile indigent drivers alcohol 52719
treatment fund, or the municipal indigent drivers alcohol 52720
treatment fund serving every court whose program is administered 52721
by that board shall be paid to the board to cover the costs it 52722
incurs in administering those indigent drivers alcohol treatment 52723
programs. 52724

(4) If a county, juvenile, or municipal court determines, in 52725
consultation with the alcohol and drug addiction services board or 52726
the board of alcohol, drug addiction, and mental health services 52727
established pursuant to section 340.02 or 340.021 of the Revised 52728
Code and serving the alcohol, drug addiction, and mental health 52729
district in which the court is located, that the funds in the 52730
county indigent drivers alcohol treatment fund, the county 52731
juvenile indigent drivers alcohol treatment fund, or the municipal 52732
indigent drivers alcohol treatment fund under the control of the 52733
court are more than sufficient to satisfy the purpose for which 52734
the fund was established, as specified in divisions (H)(1) to (3) 52735
of this section, the court may declare a surplus in the fund. If 52736
the court declares a surplus in the fund, the court may expend the 52737
amount of the surplus in the fund for alcohol and drug abuse 52738
assessment and treatment of persons who are charged in the court 52739
with committing a criminal offense or with being a delinquent 52740
child or juvenile traffic offender and in relation to whom both of 52741
the following apply: 52742

(a) The court determines that substance abuse was a 52743
contributing factor leading to the criminal or delinquent activity 52744
or the juvenile traffic offense with which the person is charged. 52745

(b) The court determines that the person is unable to pay the 52746
cost of the alcohol and drug abuse assessment and treatment for 52747

which the surplus money will be used. 52748

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 52749
trackless trolley upon meeting or overtaking from either direction 52750
any school bus stopped for the purpose of receiving or discharging 52751
any school child, person attending programs offered by community 52752
boards of mental health and county boards of mental retardation 52753
and developmental disabilities, or child attending a program 52754
offered by a head start agency, shall stop at least ten feet from 52755
the front or rear of the school bus and shall not proceed until 52756
such school bus resumes motion, or until signaled by the school 52757
bus driver to proceed. 52758

It is no defense to a charge under this division that the 52759
school bus involved failed to display or be equipped with an 52760
automatically extended stop warning sign as required by division 52761
(B) of this section. 52762

(B) Every school bus shall be equipped with amber and red 52763
visual signals meeting the requirements of section 4511.771 of the 52764
Revised Code, and an automatically extended stop warning sign of a 52765
type approved by the state board of education, which shall be 52766
actuated by the driver of the bus whenever but only whenever the 52767
bus is stopped or stopping on the roadway for the purpose of 52768
receiving or discharging school children, persons attending 52769
programs offered by community boards of mental health and county 52770
boards of mental retardation and developmental disabilities, or 52771
children attending programs offered by head start agencies. A 52772
school bus driver shall not actuate the visual signals or the stop 52773
warning sign in designated school bus loading areas where the bus 52774
is entirely off the roadway or at school buildings when children 52775
or persons attending programs offered by community boards of 52776
mental health and county boards of mental retardation and 52777
developmental disabilities are loading or unloading at curbside or 52778

at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (A) of this section.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(E) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(F)(1) Whoever violates division (A) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of this section is not permitted to enter a written plea of guilty and

waive the person's right to contest the citation in a trial but 52811
instead must appear in person in the proper court to answer the 52812
charge. 52813

(2) In addition to and independent of any other penalty 52814
provided by law, the court or mayor may impose upon an offender 52815
who violates this section a class seven suspension of the 52816
offender's driver's license, commercial driver's license, 52817
temporary instruction permit, probationary license, or nonresident 52818
operating privilege from the range specified in division (A)(7) of 52819
section 4510.02 of the Revised Code. When a license is suspended 52820
under this section, the court or mayor shall cause the offender to 52821
deliver the license to the court, and the court or clerk of the 52822
court immediately shall forward the license to the registrar of 52823
motor vehicles, together with notice of the court's action. 52824

(G) As used in this section: 52825

(1) "Head start agency" has the same meaning as in ~~division~~ 52826
~~(A)(1)~~ of section 3301.31 of the Revised Code. 52827

(2) "School bus," as used in relation to children who attend 52828
a program offered by a head start agency, means a bus that is 52829
owned and operated by a head start agency, is equipped with an 52830
automatically extended stop warning sign of a type approved by the 52831
state board of education, is painted the color and displays the 52832
markings described in section 4511.77 of the Revised Code, and is 52833
equipped with amber and red visual signals meeting the 52834
requirements of section 4511.771 of the Revised Code, irrespective 52835
of whether or not the bus has fifteen or more children aboard at 52836
any time. "School bus" does not include a van owned and operated 52837
by a head start agency, irrespective of its color, lights, or 52838
markings. 52839

Section 3.08. That the existing versions of sections 52840
4503.234, 4511.191, and 4511.75 of the Revised Code that are 52841

scheduled to take effect January 1, 2004, are hereby repealed. 52842

Section 3.09. Sections 3.07 and 3.08 of this act take effect 52843
 January 1, 2004. 52844

Section 3.10. Section 4723.063 of the Revised Code is hereby 52845
 repealed, effective December 31, 2013. 52846

Section 4. Except as otherwise provided, all appropriation 52847
 items (AI) in this act are appropriated out of any moneys in the 52848
 state treasury to the credit of the designated fund that are not 52849
 otherwise appropriated. For all appropriations made in this act, 52850
 the amounts in the first column are for fiscal year 2004 and the 52851
 amounts in the second column are for fiscal year 2005. 52852

FND AI	AI TITLE	APPROPRIATIONS	52853
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Section 5. ACC ACCOUNTANCY BOARD OF OHIO 52854

General Services Fund Group 52855

4J8	889-601 CPA Education	\$	209,510	\$	209,510	52856
	Assistance					

4K9	889-609 Operating Expenses	\$	1,010,583	\$	1,055,578	52857
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TOTAL GSF General Services Fund 52858

Group		\$	1,220,093	\$	1,265,088	52859
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TOTAL ALL BUDGET FUND GROUPS		\$	1,220,093	\$	1,265,088	52860
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Section 6. PAY ACCRUED LEAVE LIABILITY 52862

Accrued Leave Liability Fund Group 52863

806	995-666 Accrued Leave Fund	\$	70,783,792	\$	78,296,200	52864
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807	995-667 Disability Fund	\$	47,269,465	\$	50,098,308	52865
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TOTAL ALF Accrued Leave Liability 52866

Fund Group		\$	118,053,257	\$	128,394,508	52867
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Agency Fund Group 52868

808	995-668	State Employee Health Benefit Fund	\$ 312,724,593	\$ 371,450,611	52869
809	995-669	Dependent Care Spending Account	\$ 3,691,169	\$ 4,060,286	52870
810	995-670	Life Insurance Investment Fund	\$ 1,925,110	\$ 1,992,489	52871
811	995-671	Parental Leave Benefit Fund	\$ 4,350,302	\$ 4,785,332	52872
TOTAL AGY Agency Fund Group			\$ 332,691,174	\$ 382,288,718	52873
TOTAL ALL BUDGET FUND GROUPS			\$ 440,744,431	\$ 510,683,226	52874

ACCRUED LEAVE LIABILITY FUND 52875

The foregoing appropriation item 995-666, Accrued Leave Fund, 52876
shall be used to make payments from the Accrued Leave Liability 52877
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 52878
If it is determined by the Director of Budget and Management that 52879
additional amounts are necessary, the amounts are appropriated. 52880

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 52881

The foregoing appropriation item 995-667, Disability Fund, 52882
shall be used to make payments from the State Employee Disability 52883
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 52884
Revised Code. If it is determined by the Director of Budget and 52885
Management that additional amounts are necessary, the amounts are 52886
appropriated. 52887

STATE EMPLOYEE HEALTH BENEFIT FUND 52888

The foregoing appropriation item 995-668, State Employee 52889
Health Benefit Fund, shall be used to make payments from the State 52890
Employee Health Benefit Fund (Fund 808), pursuant to section 52891
124.87 of the Revised Code. If it is determined by the Director of 52892
Budget and Management that additional amounts are necessary, the 52893
amounts are appropriated. 52894

DEPENDENT CARE SPENDING ACCOUNT 52895

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 7. ADJ ADJUTANT GENERAL

General Revenue Fund				52918
GRF 745-401 Ohio Military Reserve	\$	14,889	\$ 15,188	52919
GRF 745-404 Air National Guard	\$	1,915,177	\$ 1,939,762	52920
GRF 745-409 Central Administration	\$	3,976,734	\$ 3,899,590	52921
GRF 745-499 Army National Guard	\$	3,987,516	\$ 4,086,222	52922
GRF 745-502 Ohio National Guard	\$	100,953	\$ 102,973	52923
Unit Fund				
TOTAL GRF General Revenue Fund	\$	9,995,269	\$ 10,043,735	52924

General Services Fund Group				52925
534 745-612 Armory Improvements	\$	534,304	\$ 534,304	52926
536 745-620 Camp Perry/Buckeye Inn	\$	1,094,970	\$ 1,094,970	52927
Operations				
537 745-604 ONG Maintenance	\$	219,826	\$ 219,826	52928
TOTAL GSF General Services Fund	\$	1,849,100	\$ 1,849,100	52929
Group				
Federal Special Revenue Fund Group				52930
3E8 745-628 Air National Guard	\$	11,901,459	\$ 12,174,760	52931
Operations and				
Maintenance Agreement				
3R8 745-603 Counter Drug	\$	25,000	\$ 25,000	52932
Operations				
3S0 745-602 Higher Ground Training	\$	10,937	\$ 10,937	52933
341 745-615 Air National Guard	\$	2,181,960	\$ 2,312,877	52934
Base Security				
342 745-616 Army National Guard	\$	8,109,221	\$ 8,686,892	52935
Service Agreement				
TOTAL FED Federal Special Revenue	\$	22,228,577	\$ 23,210,466	52936
Fund Group				
State Special Revenue Fund Group				52937
528 745-605 Marksmanship	\$	66,078	\$ 66,078	52938
Activities				
TOTAL SSR State Special Revenue	\$	66,078	\$ 66,078	52939
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	34,139,024	\$ 35,169,379	52940
Section 8. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				52942
General Revenue Fund				52943
GRF 100-402 Unemployment	\$	100,000	\$ 100,000	52944
Compensation				
GRF 100-405 Agency Audit Expenses	\$	350,000	\$ 350,000	52945

GRF 100-406	County & University Human Resources Services	\$ 400,000	\$ 400,000	52946
GRF 100-410	Veterans' Records Conversion	\$ 19,729	\$ 47,123	52947
GRF 100-417	MARCS	\$ 900,000	\$ 900,000	52948
GRF 100-418	Digital Government	\$ 1,500,000	\$ 1,500,000	52949
GRF 100-419	Network Security	\$ 1,000,000	\$ 1,000,000	52950
GRF 100-421	OAKS Project Implementation	\$ 450,000	\$ 450,000	52951
GRF 100-433	State of Ohio Computer Center	\$ 3,500,000	\$ 3,500,000	52952
GRF 100-439	Equal Opportunity Certification Programs	\$ 500,000	\$ 500,000	52953
GRF 100-447	OBA - Building Rent Payments	\$ 105,675,000	\$ 117,027,700	52954
GRF 100-448	OBA - Building Operating Payments	\$ 25,445,550	\$ 26,003,250	52955
GRF 100-449	DAS - Building Operating Payments	\$ 4,264,675	\$ 4,460,417	52956
GRF 100-451	Minority Affairs	\$ 50,000	\$ 50,000	52957
GRF 100-734	Major Maintenance - State Bldgs	\$ 45,000	\$ 45,000	52958
GRF 102-321	Construction Compliance	\$ 1,250,000	\$ 1,250,000	52959
GRF 130-321	State Agency Support Services	\$ 1,500,000	\$ 1,500,000	52960
TOTAL GRF	General Revenue Fund	\$ 146,949,954	\$ 159,083,490	52961
	General Services Fund Group			52962
112 100-616	Director's Office	\$ 5,503,547	\$ 5,503,547	52963
115 100-632	Central Service Agency	\$ 431,176	\$ 448,574	52964
117 100-644	General Services Division - Operating	\$ 7,622,861	\$ 8,653,304	52965

122	100-637	Fleet Management	\$	1,669,589	\$	1,652,849	52966
125	100-622	Human Resources	\$	21,489,800	\$	21,764,800	52967
		Division - Operating					
127	100-627	Vehicle Liability	\$	3,363,894	\$	3,344,644	52968
		Insurance					
128	100-620	Collective Bargaining	\$	3,410,952	\$	3,410,952	52969
130	100-606	Risk Management	\$	217,904	\$	223,904	52970
		Reserve					
131	100-639	State Architect's	\$	6,510,117	\$	6,473,867	52971
		Office					
132	100-631	DAS Building	\$	10,921,019	\$	10,721,430	52972
		Management					
188	100-649	Equal Opportunity	\$	1,082,353	\$	1,103,697	52973
		Division - Operating					
201	100-653	General Services	\$	1,533,000	\$	1,553,000	52974
		Resale Merchandise					
210	100-612	State Printing	\$	6,160,200	\$	6,674,421	52975
4P3	100-603	Departmental MIS	\$	6,077,535	\$	6,233,638	52976
		Services					
427	100-602	Investment Recovery	\$	4,023,473	\$	3,953,216	52977
5C2	100-605	MARCS Administration	\$	6,632,527	\$	9,268,178	52978
5C3	100-608	Skilled Trades	\$	1,840,327	\$	1,905,655	52979
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	52980
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000	52981
		Development					
5V6	100-619	Employee Educational	\$	809,071	\$	811,129	52982
		Development					
TOTAL GSF General Services Fund							52983
Group			\$	103,999,345	\$	108,400,805	52984
Intragovernmental Service Fund Group							52985
133	100-607	Information Technology	\$	100,987,526	\$	102,272,838	52986
		Fund					
4N6	100-617	Major IT Purchases	\$	15,452,006	\$	10,617,166	52987

TOTAL ISF Intragovernmental				52988
Service Fund Group	\$	116,439,532	\$ 112,890,004	52989
Agency Fund Group				52990
113 100-628 Unemployment	\$	4,200,000	\$ 4,200,000	52991
Compensation Pass				
Through				
124 100-629 Payroll Deductions	\$	1,971,000,000	\$ 2,050,000,000	52992
TOTAL AGY Agency Fund Group	\$	1,975,200,000	\$ 2,054,200,000	52993
Holding Account Redistribution Fund Group				52994
R08 100-646 General Services	\$	20,000	\$ 20,000	52995
Refunds				
TOTAL 090 Holding Account				52996
Redistribution Fund Group	\$	20,000	\$ 20,000	52997
TOTAL ALL BUDGET FUND GROUPS	\$	2,342,608,831	\$ 2,434,594,299	52998

Section 8.01. AGENCY AUDIT EXPENSES 53000

The foregoing appropriation item 100-405, Agency Audit 53001
Expenses, shall be used for auditing expenses designated in 53002
division (A)(1) of section 117.13 of the Revised Code for those 53003
state agencies audited on a biennial basis. 53004

Section 8.02. OHIO BUILDING AUTHORITY 53005

The foregoing appropriation item 100-447, OBA - Building Rent 53006
Payments, shall be used to meet all payments at the times they are 53007
required to be made during the period from July 1, 2003, to June 53008
30, 2005, by the Department of Administrative Services to the Ohio 53009
Building Authority pursuant to leases and agreements under Chapter 53010
152. of the Revised Code, but limited to the aggregate amount of 53011
\$222,702,700. These appropriations are the source of funds pledged 53012
for bond service charges on obligations issued pursuant to Chapter 53013
152. of the Revised Code. 53014

The foregoing appropriation item 100-448, OBA - Building 53015

Operating Payments, shall be used to meet all payments at the 53016
times that they are required to be made during the period from 53017
July 1, 2003, to June 30, 2005, by the Department of 53018
Administrative Services to the Ohio Building Authority pursuant to 53019
leases and agreements under Chapter 152. of the Revised Code, but 53020
limited to the aggregate amount of \$51,448,800. 53021

The payments to the Ohio Building Authority are for the 53022
purpose of paying the expenses of agencies that occupy space in 53023
the various state facilities. The Department of Administrative 53024
Services may enter into leases and agreements with the Ohio 53025
Building Authority providing for the payment of these expenses. 53026
The Ohio Building Authority shall report to the Department of 53027
Administrative Services and the Office of Budget and Management 53028
not later than five months after the start of a fiscal year the 53029
actual expenses incurred by the Ohio Building Authority in 53030
operating the facilities and any balances remaining from payments 53031
and rentals received in the prior fiscal year. The Department of 53032
Administrative Services shall reduce subsequent payments by the 53033
amount of the balance reported to it by the Ohio Building 53034
Authority. 53035

Section 8.03. DAS - BUILDING OPERATING PAYMENTS 53036

The foregoing appropriation item 100-449, DAS - Building 53037
Operating Payments, shall be used to pay the rent expenses of 53038
veterans organizations pursuant to section 123.024 of the Revised 53039
Code in fiscal years 2004 and 2005. 53040

The foregoing appropriation item, 100-449, DAS - Building 53041
Operating Payments, may be used to provide funding for the cost of 53042
property appraisals or building studies that the Department of 53043
Administrative Services may be required to obtain for property 53044
that is being sold by the state or property under consideration to 53045
be renovated or purchased by the state. 53046

Notwithstanding section 125.28 of the Revised Code, the 53047
remaining portion of the appropriation may be used to pay the 53048
operating expenses of state facilities maintained by the 53049
Department of Administrative Services that are not billed to 53050
building tenants. These expenses may include, but are not limited 53051
to, the costs for vacant space and space undergoing renovation, 53052
and the rent expenses of tenants that are relocated due to 53053
building renovations. These payments shall be processed by the 53054
Department of Administrative Services through intrastate transfer 53055
vouchers and placed in the Building Management Fund (Fund 132). 53056

Section 8.04. CENTRAL SERVICE AGENCY FUND 53057

The Director of Budget and Management may transfer up to 53058
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 53059
2005 from the Occupational Licensing and Regulatory Fund (Fund 53060
4K9) to the Central Service Agency Fund (Fund 115). The Director 53061
of Budget and Management may transfer up to \$40,700 in fiscal year 53062
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 53063
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 53064
(Fund 115). The appropriation item 100-632, Central Service 53065
Agency, shall be used to purchase the necessary equipment, 53066
products, and services to maintain a local area network for the 53067
professional licensing boards, and to support their licensing 53068
applications in fiscal years 2004 and 2005. The amount of the cash 53069
transfer is appropriated to appropriation item 100-632, Central 53070
Service Agency. 53071

Section 8.05. COLLECTIVE BARGAINING ARBITRATION EXPENSES 53072

With approval of the Director of Budget and Management, the 53073
Department of Administrative Services may seek reimbursement from 53074
state agencies for the actual costs and expenses the department 53075
incurs in the collective bargaining arbitration process. The 53076

reimbursements shall be processed through intrastate transfer 53077
vouchers and placed in the Collective Bargaining Fund (Fund 128). 53078

Section 8.06. EQUAL OPPORTUNITY PROGRAM 53079

The Department of Administrative Services, with the approval 53080
of the Director of Budget and Management, shall establish charges 53081
for recovering the costs of administering the activities supported 53082
by the State EEO Fund (Fund 188). These charges shall be deposited 53083
to the credit of the State EEO Fund (Fund 188) upon payment made 53084
by state agencies, state-supported or state-assisted institutions 53085
of higher education, and tax-supported agencies, municipal 53086
corporations, and other political subdivisions of the state, for 53087
services rendered. 53088

Section 8.07. MERCHANDISE FOR RESALE 53089

The foregoing appropriation item 100-653, General Services 53090
Resale Merchandise, shall be used to account for merchandise for 53091
resale, which is administered by the General Services Division. 53092
Deposits to the fund may comprise the cost of merchandise for 53093
resale and shipping fees. 53094

Section 8.08. DEPARTMENTAL MIS 53095

The foregoing appropriation item 100-603, Departmental MIS 53096
Services, may be used to pay operating expenses of management 53097
information systems activities in the Department of Administrative 53098
Services. The Department of Administrative Services shall 53099
establish charges for recovering the costs of management 53100
information systems activities. These charges shall be deposited 53101
to the credit of the Departmental MIS Services Fund (Fund 4P3). 53102

Notwithstanding any other language to the contrary, the 53103
Director of Budget and Management may transfer up to \$1,000,000 of 53104
fiscal year 2004 appropriations and up to \$1,000,000 of fiscal 53105

year 2005 appropriations from appropriation item 100-603, 53106
Departmental MIS Services, to any Department of Administrative 53107
Services non-General Revenue Fund appropriation item. The 53108
appropriations transferred shall be used to make payments for 53109
management information systems services. 53110

Section 8.09. INVESTMENT RECOVERY FUND 53111

Notwithstanding division (B) of section 125.14 of the Revised 53112
Code, cash balances in the Investment Recovery Fund (Fund 427) may 53113
be used to support the operating expenses of the Federal Surplus 53114
Operating Program created in sections 125.84 to 125.90 of the 53115
Revised Code. 53116

Notwithstanding division (B) of section 125.14 of the Revised 53117
Code, cash balances in the Investment Recovery Fund may be used to 53118
support the operating expenses of the State Property Inventory and 53119
Fixed Assets Management System Program. 53120

Of the foregoing appropriation item 100-602, Investment 53121
Recovery, up to \$1,958,155 in fiscal year 2004 and up to 53122
\$2,049,162 in fiscal year 2005 shall be used to pay the operating 53123
expenses of the State Surplus Property Program, the Surplus 53124
Federal Property Program, and the State Property Inventory and 53125
Fixed Assets Management System Program pursuant to Chapter 125. of 53126
the Revised Code and this section. If additional appropriations 53127
are necessary for the operations of these programs, the Director 53128
of Administrative Services shall seek increased appropriations 53129
from the Controlling Board under section 131.35 of the Revised 53130
Code. 53131

Of the foregoing appropriation item 100-602, Investment 53132
Recovery, \$2,221,029 in fiscal year 2004 and \$2,130,022 in fiscal 53133
year 2005 shall be used to transfer proceeds from the sale of 53134
surplus property from the Investment Recovery Fund to non-General 53135
Revenue Funds pursuant to division (A)(2) of section 125.14 of the 53136

Revised Code. If it is determined by the Director of 53137
Administrative Services that additional appropriations are 53138
necessary for the transfer of such sale proceeds, the Director of 53139
Administrative Services may request the Director of Budget and 53140
Management to increase the amounts. Such amounts are hereby 53141
appropriated. 53142

Notwithstanding division (B) of section 125.14 of the Revised 53143
Code, the Director of Budget and Management, at the request of the 53144
Director of Administrative Services, shall transfer up to 53145
\$2,811,197 of the amounts held for transfer to the General Revenue 53146
Fund from the Investment Recovery Fund to the General Services 53147
Fund (Fund 117) during the biennium beginning July 1, 2003, and 53148
ending June 30, 2005. The cash transferred to the General Services 53149
Fund shall be used to pay the operating expenses of the 53150
Competitive Sealed Proposal Program, to provide operating cash for 53151
the General Services Fund, and to provide operating cash for the 53152
newly created rate pools for Real Estate Leasing and Interior 53153
Design Services. 53154

Section 8.10. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 53155

Notwithstanding division (B)(3) of section 4505.09 of the 53156
Revised Code, the Director of Budget and Management, at the 53157
request of the Director of Administrative Services, may transfer 53158
up to \$4,887,390 in fiscal year 2004 and \$1,000,000 in fiscal year 53159
2005 from the Automated Title Processing System (Fund 849) to the 53160
Multi-Agency Radio Communications Systems Administration Fund 53161
(Fund 5C2). The cash transferred to the Multi-Agency Radio 53162
Communications Systems Administration Fund shall be used for the 53163
development of the MARCS system. 53164

Effective with the implementation of the Multi-Agency Radio 53165
Communications System, the Director of Administrative Services 53166
shall collect user fees from participants in the system. The 53167

Director of Administrative Services, with the advice of the 53168
Multi-Agency Radio Communications System Steering Committee and 53169
the Director of Budget and Management, shall determine the amount 53170
of the fees and the manner by which the fees shall be collected. 53171
Such user charges shall comply with the applicable cost principles 53172
issued by the federal Office of Management and Budget. All moneys 53173
from user charges and fees shall be deposited in the state 53174
treasury to the credit of the Multi-Agency Radio Communications 53175
System Administration Fund (Fund 5C2). All interest income derived 53176
from the investment of the fund shall accrue to the fund. 53177

Section 8.10a. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 53178
ADMINISTRATION FUND (FUND 5C2) TRANSFER TO THE GRF 53179

On July 31, 2003, or as soon as possible thereafter, the 53180
Director of Budget and Management shall transfer \$1,000,000 cash 53181
from the Multi-Agency Radio Communications System Administration 53182
Fund (Fund 5C2) to the General Revenue Fund. 53183

Section 8.11. WORKFORCE DEVELOPMENT FUND 53184

There is hereby established in the state treasury the 53185
Workforce Development Fund (Fund 5D7). The foregoing appropriation 53186
item 100-621, Workforce Development, shall be used to make 53187
payments from the fund. The fund shall be under the supervision of 53188
the Department of Administrative Services, which may adopt rules 53189
with regard to administration of the fund. The fund shall be used 53190
to pay the costs of the Workforce Development Program, if any, as 53191
previously established by Article 37 of the contract between the 53192
State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 2000, 53193
and as modified by any successor labor contract between the State 53194
of Ohio and OCSEA/AFSCME. The program shall be administered in 53195
accordance with the contract. Revenues shall accrue to the fund as 53196
specified in the contract. The fund may be used to pay direct and 53197

indirect costs of the program that are attributable to staff, 53198
consultants, and service providers. All income derived from the 53199
investment of the fund shall accrue to the fund. 53200

If it is determined by the Director of Administrative 53201
Services that additional appropriation amounts are necessary, the 53202
Director of Administrative Services may request that the Director 53203
of Budget and Management increase such amounts. Such amounts are 53204
hereby appropriated. 53205

Section 8.12. PROFESSIONAL DEVELOPMENT FUND 53206

The foregoing appropriation item 100-610, Professional 53207
Development, shall be used to make payments from the Professional 53208
Development Fund (Fund 5L7) pursuant to section 124.182 of the 53209
Revised Code. 53210

Section 8.13. EMPLOYEE EDUCATIONAL DEVELOPMENT 53211

There is hereby established in the state treasury the 53212
Employee Educational Development Fund (Fund 5V6). The foregoing 53213
appropriation item 100-619, Employee Educational Development, 53214
shall be used to make payments from the fund. The fund shall be 53215
used to pay the costs of the administration of educational 53216
programs per existing collective bargaining agreements with 53217
District 1199, the Health Care and Social Service Union; State 53218
Council of Professional Educators; Ohio Education Association; 53219
National Education Association; the Fraternal Order of Police Ohio 53220
Labor Council, Unit 2; and the Ohio State Troopers Association, 53221
Units 1 and 15. The fund shall be under the supervision of the 53222
Department of Administrative Services, which may adopt rules with 53223
regard to administration of the fund. The fund shall be 53224
administered in accordance with the applicable sections of the 53225
collective bargaining agreements between the State and the 53226
aforementioned unions. The Department of Administrative Services, 53227

with the approval of the Director of Budget and Management, shall 53228
establish charges for recovering the costs of administering the 53229
educational programs. Receipts for these charges shall be 53230
deposited into the Employee Educational Development Fund. All 53231
income derived from the investment of the funds shall accrue to 53232
the fund. 53233

If it is determined by the Director of Administrative 53234
Services that additional appropriation amounts are necessary, the 53235
Director of Administrative Services may request that the Director 53236
of Budget and Management increase such amounts. Such amounts are 53237
hereby appropriated with the approval of the Director of Budget 53238
and Management. 53239

Upon the request of the Director of Administrative Services, 53240
the Director of Budget and Management shall transfer any cash 53241
balances attributable to educational programs per existing 53242
collective bargaining agreements with District 1199, the Health 53243
Care and Social Service Union; State Council of Professional 53244
Educators; Ohio Education Association; National Education 53245
Association; the Fraternal Order of Police Ohio Labor Council, 53246
Unit 2; and the Ohio State Troopers Association, Units 1 and 15 53247
from the Human Resources Services Fund (Fund 125) to the Employee 53248
Educational Development Fund (Fund 5V6). 53249

Section 8.14. MAJOR IT PURCHASES 53250

The Director of Administrative Services shall compute the 53251
amount of revenue attributable to the amortization of all 53252
equipment purchases and capitalized systems from appropriation 53253
item 100-607, Information Technology Fund; appropriation item 53254
100-617, Major IT Purchases; and appropriation item CAP-837, Major 53255
IT Purchases, which is recovered by the Department of 53256
Administrative Services as part of the rates charged by the 53257
Information Technology Fund (Fund 133) created in section 125.15 53258

of the Revised Code. The Director of Budget and Management may 53259
transfer cash in an amount not to exceed the amount of 53260
amortization computed from the Information Technology Fund (Fund 53261
133) to the Major IT Purchases Fund (Fund 4N6). 53262

Section 8.15. INFORMATION TECHNOLOGY ASSESSMENT 53263

The Director of Administrative Services, with the approval of 53264
the Director of Budget and Management, may establish an 53265
information technology assessment for the purpose of recovering 53266
the cost of selected infrastructure and statewide programs. Such 53267
assessment shall comply with applicable cost principles issued by 53268
the federal Office of Management and Budget. The information 53269
technology assessment shall be charged to all organized bodies, 53270
offices, or agencies established by the laws of the state for the 53271
exercise of any function of state government except for the 53272
General Assembly, any legislative agency, the Supreme Court, the 53273
other courts of record in Ohio, or any judicial agency, the 53274
Adjutant General, the Bureau of Workers' Compensation, and 53275
institutions administered by a board of trustees. Any state-entity 53276
exempted by this section may utilize the infrastructure or 53277
statewide program by participating in the information technology 53278
assessment. All charges for the information technology assessment 53279
shall be deposited to the credit of the Information Technology 53280
Fund (Fund 133) created in section 125.15 of the Revised Code. 53281

Section 8.16. UNEMPLOYMENT COMPENSATION FUND 53282

The foregoing appropriation item 100-628, Unemployment 53283
Compensation Pass Through, shall be used to make payments from the 53284
Unemployment Compensation Fund (Fund 113), pursuant to section 53285
4141.241 of the Revised Code. If it is determined that additional 53286
amounts are necessary, such amounts are hereby appropriated. 53287

Section 8.17. PAYROLL WITHHOLDING FUND 53288

The foregoing appropriation item 100-629, Payroll Deductions, 53289
shall be used to make payments from the Payroll Withholding Fund 53290
(Fund 124). If it is determined by the Director of Budget and 53291
Management that additional appropriation amounts are necessary, 53292
such amounts are hereby appropriated. 53293

Section 8.18. GENERAL SERVICES REFUNDS 53294

The foregoing appropriation item 100-646, General Services 53295
Refunds, shall be used to hold bid guarantee and building plans 53296
and specifications deposits until they are refunded. The Director 53297
of Administrative Services may request that the Director of Budget 53298
and Management transfer cash received for the costs of providing 53299
the building plans and specifications to contractors from the 53300
General Services Refunds Fund to the State Architect's Office Fund 53301
(Fund 131). Prior to the transfer of cash, the Director of 53302
Administrative Services shall certify that such amounts are in 53303
excess of amounts required for refunding deposits and are directly 53304
related to costs of producing building plans and specifications. 53305
If it is determined that additional appropriations are necessary, 53306
such amounts are hereby appropriated. 53307

Section 8.19. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 53308
SERVICE PAYMENTS 53309

The Director of Administrative Services, in consultation with 53310
the Multi-Agency Radio Communication System (MARCS) Steering 53311
Committee and the Director of Budget and Management, shall 53312
determine the share of debt service payments attributable to 53313
spending for MARCS components that are not specific to any one 53314
agency and that shall be charged to agencies supported by the 53315
motor fuel tax. Such share of debt service payments shall be 53316
calculated for MARCS capital disbursements made beginning July 1, 53317
1997. Within thirty days of any payment made from appropriation 53318

item 100-447, OBA - Building Rent Payments, the Director of 53319
Administrative Services shall certify to the Director of Budget 53320
and Management the amount of this share. The Director of Budget 53321
and Management shall transfer such amounts to the General Revenue 53322
Fund from the State Highway Safety Fund (Fund 036) established in 53323
section 4501.06 of the Revised Code. 53324

The Director of Administrative Services shall consider 53325
renting or leasing existing tower sites at reasonable or current 53326
market rates, so long as these existing sites are equipped with 53327
the technical capabilities to support the MARCS project. 53328

Section 8.20. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 53329

Whenever the Director of Administrative Services declares a 53330
"public exigency," as provided in division (C) of section 123.15 53331
of the Revised Code, the Director shall also notify the members of 53332
the Controlling Board. 53333

Section 8.21. GENERAL SERVICE CHARGES 53334

The Department of Administrative Services, with the approval 53335
of the Director of Budget and Management, shall establish charges 53336
for recovering the costs of administering the programs in the 53337
General Services Fund (Fund 117) and the State Printing Fund (Fund 53338
210). 53339

Section 8.22. ASSESSMENTS ON STATE AGENCIES, BOARDS, AND 53340
COMMISSIONS 53341

For fiscal year 2004 and fiscal year 2005, the Director of 53342
Administrative Services shall not increase rates, charges, or fees 53343
for centralized services provided by the Department of 53344
Administrative Services and specified in Payroll Letter 824, 53345
effective July 17, 2002. This provision shall not apply to payroll 53346
deductions for employee health, vision, and dental benefits, 53347

employers' share of pension contributions, or amounts deducted for 53348
accrued leave or disability leave. Nor shall this provision apply 53349
to charges or deductions for programs operated by the Department 53350
of Administrative Services in accordance with any collective 53351
bargaining agreement. 53352

The Director of Administrative Services shall not increase 53353
rates or charges assessed to state agencies, boards, and 53354
commissions for other centralized services provided by the General 53355
Services Division and in effect as of June 30, 2003. However, the 53356
rate charged for mail services may be adjusted to account for 53357
increases in federal postage rates. 53358

Section 10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 53359

General Revenue Fund 53360

GRF 029-321 Operating Expenses	\$	363,769	\$	379,769	53361
TOTAL GRF General Revenue Fund	\$	363,769	\$	379,769	53362
TOTAL ALL BUDGET FUND GROUPS	\$	363,769	\$	379,769	53363

OPERATING 53364

The Chief Administrative Officer of the House of 53365
Representatives and the Clerk of the Senate shall determine, by 53366
mutual agreement, which of them shall act as fiscal agent for the 53367
Joint Committee on Agency Rule Review. 53368

Section 11. AGE DEPARTMENT OF AGING 53369

General Revenue Fund 53370

GRF 490-321 Operating Expenses	\$	1,908,867	\$	1,908,867	53371
GRF 490-403 PASSPORT	\$	70,363,924	\$	70,363,924	53372
GRF 490-405 Golden Buckeye Card	\$	267,628	\$	267,628	53373
GRF 490-406 Senior Olympics	\$	16,636	\$	16,636	53374
GRF 490-409 Ohio Community Service	\$	228,048	\$	228,048	53375
Council Operations					
GRF 490-410 Long-Term Care	\$	729,685	\$	729,685	53376

	Ombudsman				
GRF 490-411	Senior Community Services	\$	10,971,431	\$	10,971,431
					53377
GRF 490-412	Residential State Supplement	\$	9,960,356	\$	9,960,356
					53378
GRF 490-414	Alzheimers Respite	\$	4,346,689	\$	4,346,689
					53379
GRF 490-416	Transportation for Elderly	\$	138,369	\$	138,369
					53380
GRF 490-506	Senior Volunteers	\$	375,471	\$	375,471
					53381
TOTAL GRF	General Revenue Fund	\$	99,307,104	\$	99,307,104
					53382
	General Services Fund Group				53383
480 490-606	Senior Citizens Services Special Events	\$	372,677	\$	372,677
					53384
5T4 490-615	Aging Network Support	\$	252,830	\$	252,830
					53385
TOTAL GSF	General Services Fund Group				53386
		\$	625,507	\$	625,507
					53387
	Federal Special Revenue Fund Group				53388
3C4 490-607	PASSPORT	\$	140,563,071	\$	143,208,159
					53389
3M3 490-611	Federal Aging Nutrition	\$	25,541,095	\$	26,818,149
					53390
3M4 490-612	Federal Supportive Services	\$	26,305,294	\$	27,094,453
					53391
3R7 490-617	Ohio Community Service Council Programs	\$	8,951,150	\$	8,905,150
					53392
322 490-618	Older Americans Support Services	\$	12,904,949	\$	13,298,626
					53393
TOTAL FED	Federal Special Revenue Fund Group				53394
		\$	214,265,559	\$	219,324,537
					53395
	State Special Revenue Fund Group				53396
4C4 490-609	Regional Long-Term Care Ombudsman Program	\$	451,190	\$	451,190
					53397

4J4	490-610	PASSPORT/Residential	\$	33,268,052	\$	33,263,984	53398
		State Supplement					
4U9	490-602	PASSPORT Fund	\$	5,000,000	\$	5,000,000	53399
5W1	490-616	Resident Services	\$	250,000	\$	250,000	53400
		Coordinator Program					
624	490-604	OCSC Community Support	\$	2,500	\$	2,500	53401
TOTAL SSR State Special Revenue							53402
Fund Group			\$	38,971,742	\$	38,967,674	53403
TOTAL ALL BUDGET FUND GROUPS			\$	353,169,912	\$	358,224,822	53404

Section 11.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY 53406
ADMISSION 53407

Pursuant to sections 5101.751 and 5101.754 of the Revised 53408
Code and an interagency agreement, the Department of Job and 53409
Family Services shall designate the Department of Aging to perform 53410
assessments under sections 5101.75 and 5111.204 of the Revised 53411
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 53412
Department of Aging may use not more than \$2,511,309 in fiscal 53413
year 2004 and \$2,574,092 in fiscal year 2005 to perform the 53414
assessments for persons not eligible for Medicaid in accordance 53415
with the department's interagency agreement with the Department of 53416
Job and Family Services and to assist individuals in planning for 53417
their long-term health care needs. 53418

Section 11.02. PASSPORT 53419

Appropriation item 490-403, PASSPORT, and the amounts set 53420
aside for the PASSPORT Waiver Program in appropriation item 53421
490-610, PASSPORT/Residential State Supplement, may be used to 53422
assess clients regardless of Medicaid eligibility. 53423

The Director of Aging shall adopt rules under section 111.15 53424
of the Revised Code governing the nonwaiver funded PASSPORT 53425
program, including client eligibility. 53426

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 and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. 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 to fund only Alzheimer's disease services under 53458
section 173.04 of the Revised Code. 53459

TRANSPORTATION FOR ELDERLY 53460

The foregoing appropriation item 490-416, Transportation for 53461
Elderly, shall be used for noncapital expenses related to 53462
transportation services for the elderly that provide access to 53463
such things as healthcare services, congregate meals, 53464
socialization programs, and grocery shopping. The funds pass 53465
through and shall be administered by the Area Agencies on Aging. 53466
The appropriation shall be allocated to the following agencies: 53467

(A) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 53468
fiscal year 2005 to the Jewish Vocational Services/Cincinnati; 53469

(B) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 53470
fiscal year 2005 to the Jewish Community Center of Cleveland; 53471

(C) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in 53472
fiscal year 2005 to the Wexner Heritage Village/Columbus; 53473

(D) Up to \$15,469 in fiscal year 2004 and up to \$15,082 in 53474
fiscal year 2005 to the Jewish Family Services of Dayton; 53475

(E) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in 53476
fiscal year 2005 to the Jewish Community Center of Akron; 53477

(F) Up to \$3,832 in fiscal year 2004 and up to \$3,736 in 53478
fiscal year 2005 to the Jewish Community Center/Youngstown; 53479

(G) Up to \$2,270 in fiscal year 2004 and up to \$2,214 in 53480
fiscal year 2005 to the Jewish Community Center/Canton; 53481

(H) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in 53482
fiscal year 2005 to the Jewish Community Center/Sylvania. 53483

Agencies receiving funding from appropriation item 490-416, 53484
Transportation for Elderly, shall coordinate services with other 53485
local service agencies. 53486

RESIDENTIAL STATE SUPPLEMENT	53487
Under the Residential State Supplement Program, the amount	53488
used to determine whether a resident is eligible for payment and	53489
for determining the amount per month the eligible resident will	53490
receive shall be as follows:	53491
(A) \$900 for a residential care facility, as defined in	53492
section 3721.01 of the Revised Code;	53493
(B) \$900 for an adult group home, as defined in Chapter 3722.	53494
of the Revised Code;	53495
(C) \$800 for an adult foster home, as defined in Chapter 173.	53496
of the Revised Code;	53497
(D) \$800 for an adult family home, as defined in Chapter	53498
3722. of the Revised Code;	53499
(E) \$800 for an adult community alternative home, as defined	53500
in Chapter 3724. of the Revised Code;	53501
(F) \$800 for an adult residential facility, as defined in	53502
Chapter 5119. of the Revised Code;	53503
(G) \$600 for adult community mental health housing services,	53504
as defined in division (B)(5) of section 173.35 of the Revised	53505
Code.	53506
The Departments of Aging and Job and Family Services shall	53507
reflect these amounts in any applicable rules the departments	53508
adopt under section 173.35 of the Revised Code.	53509
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	53510
The Department of Aging may transfer cash by intrastate	53511
transfer vouchers from the foregoing appropriation items 490-412,	53512
Residential State Supplement, and 490-610, PASSPORT/Residential	53513
State Supplement, to the Department of Job and Family Services'	53514
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	53515

funds shall be used to make benefit payments to Residential State Supplement recipients. 53516
53517

LONG-TERM CARE OMBUDSMAN 53518

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. 53519
53520
53521
53522

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS 53523

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. 53524
53525
53526

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 53527

Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to \$2,835,000 each fiscal year may be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program. 53528
53529
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TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES 53533
53534

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. 53535
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OHIO COMMUNITY SERVICE COUNCIL 53543

The foregoing appropriation items 490-409, Ohio Community 53544

Service Council Operations, and 490-617, Ohio Community Service 53545
 Council Programs, shall be used in accordance with section 121.40 53546
 of the Revised Code. 53547

Section 12. AGR DEPARTMENT OF AGRICULTURE 53548

General Revenue Fund 53549

GRF 700-321 Operating Expenses \$ 2,737,665 \$ 2,771,628 53550

GRF 700-401 Animal Disease Control \$ 3,621,815 \$ 3,621,815 53551

GRF 700-402 Amusement Ride Safety \$ 278,767 \$ 275,943 53552

GRF 700-403 Dairy Division \$ 1,494,597 \$ 1,494,153 53553

GRF 700-404 Ohio Proud \$ 197,727 \$ 197,229 53554

GRF 700-405 Animal Damage Control \$ 44,954 \$ 44,954 53555

GRF 700-406 Consumer Analytical \$ 819,281 \$ 872,241 53556

Lab

GRF 700-407 Food Safety \$ 999,042 \$ 999,042 53557

GRF 700-409 Farmland Preservation \$ 256,993 \$ 256,993 53558

GRF 700-410 Plant Industry \$ 1,109,867 \$ 1,107,677 53559

GRF 700-411 International Trade \$ 521,049 \$ 517,524 53560

and Market Development

GRF 700-412 Weights and Measures \$ 914,137 \$ 909,120 53561

GRF 700-413 Gypsy Moth Prevention \$ 546,118 \$ 576,299 53562

GRF 700-414 Concentrated Animal \$ 16,521 \$ 16,086 53563

Feeding Facilities

Advisory Committee

GRF 700-415 Poultry Inspection \$ 270,645 \$ 267,743 53564

GRF 700-418 Livestock Regulation \$ 1,306,911 \$ 1,306,911 53565

Program

GRF 700-424 Livestock Testing and \$ 123,347 \$ 123,347 53566

Inspections

GRF 700-499 Meat Inspection \$ 4,451,611 \$ 4,496,889 53567

Program - State Share

GRF 700-501 County Agricultural \$ 381,091 \$ 381,091 53568

Societies

TOTAL GRF General Revenue Fund	\$	20,092,138	\$	20,236,685	53569
Federal Special Revenue Fund Group					53570
3J4 700-607 Indirect Cost	\$	938,785	\$	949,877	53571
3R2 700-614 Federal Plant Industry	\$	1,400,000	\$	1,425,000	53572
326 700-618 Meat Inspection	\$	4,876,904	\$	4,951,291	53573
Service - Federal					
Share					
336 700-617 Ohio Farm Loan	\$	181,774	\$	181,774	53574
Revolving Fund					
382 700-601 Cooperative Contracts	\$	2,400,000	\$	2,500,000	53575
TOTAL FED Federal Special Revenue					53576
Fund Group	\$	9,797,463	\$	10,007,942	53577
State Special Revenue Fund Group					53578
4C9 700-605 Feed, Fertilizer, and	\$	986,765	\$	1,008,541	53579
Lime Inspection					
4D2 700-609 Auction Education	\$	30,476	\$	30,476	53580
4E4 700-606 Utility Radiological	\$	73,059	\$	73,059	53581
Safety					
4P7 700-610 Food Safety Inspection	\$	575,797	\$	582,711	53582
4R0 700-636 Ohio Proud Marketing	\$	40,300	\$	38,300	53583
4R2 700-637 Dairy Inspection Fund	\$	1,157,603	\$	1,184,183	53584
4T6 700-611 Poultry and Meat	\$	46,162	\$	47,294	53585
Inspection					
4T7 700-613 International Trade	\$	41,238	\$	42,000	53586
and Market Development					
Rotary					
4V5 700-615 Animal Industry Lab	\$	711,944	\$	711,944	53587
Fees					
494 700-612 Agricultural Commodity	\$	170,077	\$	170,220	53588
Marketing Program					
496 700-626 Ohio Grape Industries	\$	1,071,099	\$	1,071,099	53589
497 700-627 Commodity Handlers	\$	664,118	\$	664,118	53590

		Regulatory Program				
498	700-628	Commodity Indemnity	\$	250,000	\$	250,000 53591
		Fund				
5B8	700-629	Auctioneers	\$	291,672	\$	365,390 53592
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849 53593
5L8	700-604	Livestock Management	\$	250,000	\$	250,000 53594
		Program				
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000 53595
579	700-630	Scale Certification	\$	168,785	\$	171,677 53596
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447 53597
669	700-635	Pesticide Program	\$	2,243,232	\$	2,243,232 53598
		TOTAL SSR State Special Revenue				53599
		Fund Group	\$	10,418,650	\$	10,584,540 53600
		Clean Ohio Fund Group				53601
057	700-632	Clean Ohio	\$	149,000	\$	149,000 53602
		Agricultural Easement				
		TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000 53603
		TOTAL ALL BUDGET FUND GROUPS	\$	40,457,251	\$	40,978,167 53604
		FAMILY FARM LOAN PROGRAM				53605
		Notwithstanding Chapter 166. of the Revised Code, up to				53606
		\$1,500,000 in each fiscal year shall be transferred from moneys in				53607
		the Facilities Establishment Fund (Fund 037) to the Family Farm				53608
		Loan Fund (Fund 5H1) in the Department of Development. These				53609
		moneys shall be used for loan guarantees. The transfer is subject				53610
		to Controlling Board approval.				53611
		Financial assistance from the Family Farm Loan Fund (Fund				53612
		5H1) shall be repaid to Fund 5H1. This fund is established in				53613
		accordance with sections 166.031, 901.80, 901.81, 901.82, and				53614
		901.83 of the Revised Code.				53615
		When the Family Farm Loan Fund (Fund 5H1) ceases to exist,				53616
		all outstanding balances, all loan repayments, and any other				53617

outstanding obligations shall revert to the Facilities 53618
 Establishment Fund (Fund 037). 53619

CLEAN OHIO AGRICULTURAL EASEMENT 53620

The foregoing appropriation item 700-632, Clean Ohio 53621
 Agricultural Easement, shall be used by the Department of 53622
 Agriculture in administering sections 901.21, 901.22, and 5301.67 53623
 to 5301.70 of the Revised Code. 53624

Section 13. AIR AIR QUALITY DEVELOPMENT AUTHORITY 53625

General Revenue Fund 53626

GRF 898-604 Coal Development \$ 588,041 \$ 599,802 53627
 Office

GRF 898-901 Coal R&D Gen \$ 7,231,200 \$ 9,185,100 53628
 Obligation Debt
 Service

TOTAL GRF General Revenue Fund \$ 7,819,241 \$ 9,784,902 53629

Agency Fund Group 53630

4Z9 898-602 Small Business \$ 233,482 \$ 233,482 53631
 Ombudsman

5A0 898-603 Small Business \$ 197,463 \$ 197,463 53632
 Assistance

570 898-601 Operating Expenses \$ 243,383 \$ 243,383 53633

TOTAL AGY Agency Fund Group \$ 674,328 \$ 674,328 53634

Coal Research/Development Fund 53635

046 898-604 Coal Research & Dev \$ 13,168,357 \$ 13,168,357 53636
 Fund

TOTAL 046 Coal Research & Dev Fund \$ 13,168,357 \$ 13,168,357 53637

TOTAL ALL BUDGET FUND GROUPS \$ 21,661,926 \$ 23,627,587 53638

Section 13.01. COAL DEVELOPMENT OFFICE 53640

The foregoing appropriation item GRF 898-402, Coal 53641

Development Office, shall be used for the administrative costs of 53642
the Coal Development Office. 53643

Section 13.02. COAL RESEARCH AND DEVELOPMENT GENERAL 53644
OBLIGATION DEBT SERVICE 53645

The foregoing appropriation item GRF 898-901, Coal R&D Gen 53646
Obligation Debt Service, shall be used to pay all debt service and 53647
related financing costs at the times they are required to be made 53648
under sections 151.01 and 151.07 of the Revised Code during the 53649
period from July 1, 2003, to June 30, 2005. The Office of the 53650
Sinking Fund or the Director of Budget and Management shall 53651
effectuate the required payments by an intrastate transfer 53652
voucher. 53653

Section 13.03. SCIENCE AND TECHNOLOGY COLLABORATION 53654

The Air Quality Development Authority shall work in close 53655
collaboration with the Department of Development, Board of 53656
Regents, and the Third Frontier Commission in relation to 53657
appropriation items and programs listed in the following 53658
paragraph, and other technology-related appropriations and 53659
programs in the Department of Development, Air Quality Development 53660
Authority, and the Board of Regents as those agencies may 53661
designate, to ensure implementation of a coherent state strategy 53662
with respect to science and technology. 53663

Each of the following appropriations and programs: 195-401, 53664
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 53665
Third Frontier Action Fund; 898-604, Coal Research and Development 53666
Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer 53667
Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural 53668
Research and Development Center; 235-553, Dayton Area Graduate 53669
Studies Institute; 235-554, Computer Science Graduate Education; 53670
235-556, Ohio Academic Resources Network; and 195-405, Biomedical 53671

Research and Technology Transfer Trust, shall be reviewed annually 53672
by the Third Frontier Commission with respect to its development 53673
of complementary relationships within a combined state science and 53674
technology investment portfolio and its overall contribution to 53675
the state's science and technology strategy, including the 53676
adoption of appropriately consistent criteria for: 53677

(1) the scientific merit of activities supported by the 53678
program; 53679

(2) the relevance of the program's activities to commercial 53680
opportunities in the private sector; 53681

(3) the private sector's involvement in a process that 53682
continually evaluates commercial opportunities to use the work 53683
supported by the program; and 53684

(4) the ability of the program and recipients of grant 53685
funding from the program to engage in activities that are 53686
collaborative, complementary, and efficient with respect to the 53687
expenditure of state funds. 53688

All programs listed in the preceding paragraph shall provide 53689
annual reports to the Third Frontier Commission discussing 53690
existing, planned, or possible collaborations between programs and 53691
recipients of grant funding related to technology, development, 53692
commercialization, and supporting Ohio's economic development. The 53693
annual review by the Third Frontier Commission shall be a 53694
comprehensive review of the entire state science and technology 53695
program portfolio rather than a review of individual programs. 53696

Section 14. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 53697
SERVICES 53698

General Revenue Fund 53699

GRF 038-321 Operating Expenses \$ 1,200,293 \$ 1,200,293 53700

GRF 038-401 Treatment Services \$ 28,512,306 \$ 28,512,306 53701

GRF 038-404 Prevention Services	\$	1,055,033	\$	1,055,033	53702
TOTAL GRF General Revenue Fund	\$	30,767,632	\$	30,767,632	53703
General Services Fund					53704
5T9 038-616 Problem Gambling	\$	60,000	\$	60,000	53705
Services					
TOTAL GSF General Services Fund	\$	60,000	\$	60,000	53706
Group					
Federal Special Revenue Fund Group					53707
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	53708
3G4 038-614 Substance Abuse Block	\$	67,335,499	\$	68,079,223	53709
Grant					
3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	53710
3J8 038-610 Medicaid	\$	30,000,000	\$	30,000,000	53711
3N8 038-611 Administrative	\$	500,000	\$	500,000	53712
Reimbursement					
TOTAL FED Federal Special Revenue					53713
Fund Group	\$	108,428,574	\$	109,172,298	53714
State Special Revenue Fund Group					53715
475 038-621 Statewide Treatment	\$	20,191,182	\$	20,191,182	53716
and Prevention					
5P1 038-615 Credentialing	\$	225,000	\$	0	53717
689 038-604 Education and	\$	280,000	\$	280,000	53718
Conferences					
TOTAL SSR State Special Revenue					53719
Fund Group	\$	20,696,182	\$	20,471,182	53720
TOTAL ALL BUDGET FUND GROUPS	\$	159,952,388	\$	160,471,112	53721

AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY 53722

Of the foregoing appropriation item 038-401, Treatment 53723
 Services, \$4 million in each fiscal year shall be allocated for 53724
 services to families, adults, and adolescents pursuant to the 53725
 requirements of Am. Sub. H.B. 484 of the 122nd General Assembly. 53726

SERVICES FOR TANF-ELIGIBLE INDIVIDUALS				53727
Of the foregoing appropriation item 038-621, Statewide				53728
Treatment and Prevention, \$5 million each year shall be used to				53729
fund TANF-eligible expenditures for substance abuse prevention and				53730
treatment services to children, or their families, whose income is				53731
at or below 200 per cent of the official income poverty guideline.				53732
The Director of Alcohol and Drug Addiction Services and the				53733
Director of Job and Family Services shall develop operating and				53734
reporting guidelines for these programs.				53735
PARENT AWARENESS TASK FORCE				53736
The Parent Awareness Task Force shall study ways to engage				53737
more parents in activities, coalitions, and educational programs				53738
in Ohio relating to alcohol and other drug abuse prevention. Of				53739
the foregoing appropriation item 038-404, Prevention Services,				53740
\$30,000 in each fiscal year may be used to support the functions				53741
of the Parent Awareness Task Force.				53742
Section 15. AMB AMBULANCE LICENSING BOARD				53743
General Services Fund Group				53744
4N1 915-601 Operating Expenses	\$	272,340	\$ 284,054	53745
TOTAL GSF General Services				53746
Fund Group	\$	272,340	\$ 284,054	53747
TOTAL ALL BUDGET FUND GROUPS	\$	272,340	\$ 284,054	53748
Section 16. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS				53750
General Services Fund Group				53751
4K9 891-609 Operating Expenses	\$	480,574	\$ 479,574	53752
TOTAL GSF General Services Fund				53753
Group	\$	480,574	\$ 479,574	53754
TOTAL ALL BUDGET FUND GROUPS	\$	480,574	\$ 479,574	53755

Section 17. ART OHIO ARTS COUNCIL				53757
General Revenue Fund				53758
GRF 370-100 Personal Services	\$	1,896,848	\$ 1,892,879	53759
GRF 370-200 Maintenance	\$	450,000	\$ 450,000	53760
GRF 370-300 Equipment	\$	17,788	\$ 17,056	53761
GRF 370-502 Program Subsidies	\$	9,896,320	\$ 9,648,912	53762
TOTAL GRF General Revenue Fund	\$	12,260,956	\$ 12,008,847	53763
General Services Fund Group				53764
4B7 370-603 Per Cent for Art	\$	86,366	\$ 86,366	53765
Acquisitions				
460 370-602 Gifts and Donations	\$	429,325	\$ 429,325	53766
TOTAL GSF General Services Fund	\$	515,691	\$ 515,691	53767
Group				
Federal Special Revenue Fund Group				53768
314 370-601 Federal Programs	\$	1,657,300	\$ 1,657,300	53769
TOTAL FED Federal Special Revenue	\$	1,657,300	\$ 1,657,300	53770
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,433,947	\$ 14,181,838	53771
PROGRAM SUBSIDIES				53772
A museum is not eligible to receive funds from appropriation				53773
item 370-502, Program Subsidies, if \$8,000,000 or more in capital				53774
appropriations were appropriated by the state for the museum				53775
between January 1, 1986, and December 31, 2002.				53776
PER CENT FOR ART ACQUISITIONS				53777
The unencumbered balance remaining from prior projects of				53778
appropriation item 370-603, Per Cent for Art Acquisitions, shall				53779
be used by the Ohio Arts Council to pay for start-up costs in				53780
connection with the selection of artists of new Per Cent for Art				53781
projects.				53782

Section 18. AFC OHIO ARTS AND SPORTS FACILITIES				53783
COMMISSION				53784
General Revenue Fund				53785
GRF 371-321 Operating Expenses	\$	67,451	\$ 67,451	53786
GRF 371-401 Lease Rental Payments	\$	36,283,800	\$ 37,617,700	53787
TOTAL GRF General Revenue Fund	\$	36,351,251	\$ 37,685,151	53788
State Special Revenue Fund Group				53789
4T8 371-601 Riffe Theatre	\$	23,194	\$ 23,194	53790
Equipment Maintenance				
4T8 371-603 Project Administration	\$	1,035,377	\$ 1,074,339	53791
TOTAL SSR State Special Revenue	\$	1,058,571	\$ 1,097,533	53792
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	37,409,822	\$ 38,782,684	53793
OHIO BUILDING AUTHORITY LEASE PAYMENTS				53794
The foregoing appropriation item 371-401, Lease Rental				53795
Payments, shall be used by the Arts and Sports Facilities				53796
Commission for payments to the Ohio Building Authority for the				53797
period from July 1, 2003, to June 30, 2005, pursuant to the				53798
primary leases and agreements for those buildings made under				53799
Chapter 152. of the Revised Code, but limited to the aggregate				53800
amount of \$73,901,500. This appropriation is the source of funds				53801
pledged for bond service charges on related obligations issued				53802
pursuant to Chapter 152. of the Revised Code.				53803
OPERATING EXPENSES				53804
The foregoing appropriation item 371-603, Project				53805
Administration, shall be used by the Ohio Arts and Sports				53806
Facilities Commission to carry out its responsibilities pursuant				53807
to this section and Chapter 3383. of the Revised Code.				53808
Within ten days after the effective date of this section, or				53809
as soon as possible thereafter, the Director of Budget and				53810

Management shall determine the amount of cash from interest 53811
earnings to be transferred from the Arts Facilities Building Fund 53812
(Fund 030) and the Sports Facilities Building Fund (Fund 024) to 53813
the Arts and Sports Facilities Commission Administration Fund 53814
(Fund 4T8). The total amount transferred in fiscal year 2004 and 53815
fiscal year 2005 may not exceed the total biennial appropriation 53816
of \$2,109,716 in appropriation item 371-603, Project 53817
Administration. 53818

By July 10, 2004, or as soon as possible thereafter, the 53819
Director of Budget and Management shall determine the amount of 53820
cash from interest earnings to be transferred from the Arts 53821
Facilities Building Fund (Fund 030) and the Sports Facilities 53822
Building Fund (Fund 024) to the Arts and Sports Commission 53823
Administration Fund (Fund 4T8). The total amount transferred in 53824
fiscal year 2004 and in fiscal year 2005 may not exceed the total 53825
biennial appropriation of \$2,109,716 in appropriation item 53826
371-603, Project Administration. 53827

Section 19. ATH ATHLETIC COMMISSION 53828

General Services Fund Group 53829

4K9 175-609 Athletic Commission - \$ 188,250 \$ 200,205 53830

Operating

TOTAL GSF General Services Fund \$ 188,250 \$ 200,205 53831

Group

TOTAL ALL BUDGET FUND GROUPS \$ 188,250 \$ 200,205 53832

TRANSFER OF CASH BALANCE FROM FUND 5R1 53833

On July 1, 2003, or as soon thereafter as possible, the 53834
Director of Budget and Management shall transfer the cash balance 53835
in the Athlete Agents Registration Fund (Fund 5R1) that was 53836
created in former section 4771.22 of the Revised Code to the 53837
Occupational Licensing and Regulatory Fund (Fund 4K9). The 53838
director shall cancel any existing encumbrances against 53839

appropriation item 175-602, Athlete Agents Registration (Fund 53840
 5R1), and reestablish them against appropriation item 175-609, 53841
 Athletic Commission - Operating (Fund 4K9). The amounts of the 53842
 reestablished encumbrances are hereby appropriated. 53843

Section 20. AGO ATTORNEY GENERAL 53844

General Revenue Fund 53845

GRF 055-321 Operating Expenses \$ 53,885,937 \$ 53,885,937 53846

GRF 055-406 Community Police Match \$ 2,258,843 \$ 2,258,843 53847
 and Law Enforcement
 Assistance

GRF 055-408 Criminal Justice \$ 534,570 \$ 520,503 53848
 Information System

GRF 055-411 County Sheriffs \$ 574,168 \$ 574,168 53849

GRF 055-413 Violence Prevention \$ 707,076 \$ 688,469 53850
 Subsidy

GRF 055-414 Criminal Justice \$ 1,081,371 \$ 1,077,971 53851
 Services

GRF 055-415 County Prosecutors \$ 481,245 \$ 481,245 53852

TOTAL GRF General Revenue Fund \$ 59,523,210 \$ 59,487,136 53853

General Services Fund Group 53854

106 055-612 General Reimbursement \$ 18,870,196 \$ 18,870,196 53855

107 055-624 Employment Services \$ 984,396 \$ 984,396 53856

195 055-660 Workers' Compensation \$ 7,769,628 \$ 7,769,628 53857
 Section

4P6 055-640 General Services \$ 135,450 \$ 86,500 53858

4Y7 055-608 Title Defect \$ 570,623 \$ 570,623 53859
 Rescission

4Z2 055-609 BCI Asset Forfeiture \$ 332,109 \$ 332,109 53860
 and Cost Reimbursement

418 055-615 Charitable Foundations \$ 1,899,066 \$ 1,899,066 53861

420 055-603 Attorney General \$ 446,449 \$ 446,449 53862

		Antitrust					
421	055-617	Police Officers' Training Academy Fee	\$	1,193,213	\$	1,193,213	53863
5A9	055-618	Telemarketing Fraud Enforcement	\$	52,378	\$	52,378	53864
590	055-633	Peace Officer Private Security Fund	\$	98,370	\$	98,370	53865
629	055-636	Corrupt Activity Investigation and Prosecution	\$	108,230	\$	108,230	53866
631	055-637	Consumer Protection Enforcement	\$	1,373,832	\$	1,373,832	53867
TOTAL GSF General Services Fund Group							53868
			\$	33,833,940	\$	33,784,990	53869
Federal Special Revenue Fund Group							53870
3E5	055-638	Anti-Drug Abuse	\$	1,923,400	\$	1,981,102	53871
3L5	055-644	Justice Programs	\$	30,334,908	\$	30,311,870	53872
3R6	055-613	Attorney General Federal Funds	\$	3,730,191	\$	3,842,097	53873
3U1	055-645	Criminal Justice Federal Programs	\$	1,000,000	\$	0	53874
3V8	055-646	Federal Program Purposes FFY 01	\$	250,000	\$	0	53875
306	055-620	Medicaid Fraud Control	\$	2,882,970	\$	2,969,459	53876
381	055-611	Civil Rights Legal Service	\$	390,815	\$	390,815	53877
383	055-634	Crime Victims Assistance	\$	17,561,250	\$	18,439,313	53878
TOTAL FED Federal Special Revenue Fund Group							53879
			\$	58,073,534	\$	57,934,656	53880
State Special Revenue Fund Group							53881
402	055-616	Victims of Crime	\$	27,933,893	\$	27,933,893	53882

417	055-621	Domestic Violence Shelter	\$	14,492	\$	14,492	53883
419	055-623	Claims Section	\$	13,649,954	\$	13,649,954	53884
659	055-641	Solid and Hazardous Waste Background Investigations	\$	621,159	\$	621,159	53885
TOTAL SSR State Special Revenue							53886
Fund Group			\$	42,219,498	\$	42,219,498	53887
Holding Account Redistribution Fund Group							53888
R03	055-629	Bingo License Refunds	\$	5,200	\$	5,200	53889
R04	055-631	General Holding Account	\$	275,000	\$	275,000	53890
R05	055-632	Antitrust Settlements	\$	10,400	\$	10,400	53891
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	53892
R42	055-601	Organized Crime Commission Account	\$	200,000	\$	200,000	53893
TOTAL 090 Holding Account							53894
Redistribution Fund Group			\$	1,240,600	\$	1,240,600	53895
TOTAL ALL BUDGET FUND GROUPS			\$	194,890,782	\$	194,666,880	53896
INDIGENT DEFENSE							53897
The Attorney General's Bureau of Criminal Justice Services							53898
shall make all efforts to maximize the amount of funding available							53899
for the defense of indigent persons.							53900
CRIMINAL JUSTICE INFORMATION SYSTEM							53901
The foregoing appropriation item 055-XXX, Criminal Justice							53902
Information System, shall be used by the Attorney General's Bureau							53903
of Criminal Justice Services to work on a plan to improve Ohio's							53904
criminal justice information systems. The Superintendent of the							53905
Attorney General's Bureau of Criminal Justice Services shall							53906
evaluate the progress of this plan and issue a report to the							53907
Governor, the Speaker and the Minority Leader of the House of							53908

Representatives, the President and the Minority Leader of the 53909
Senate, the Criminal Justice Policy Board, and the Legislative 53910
Service Commission by the first day of January of each year of the 53911
two-year biennium beginning July 1, 2003, and ending June 30, 53912
2005. 53913

CRIMINAL JUSTICE SERVICES OPERATING 53914

Of the foregoing appropriation item 055-XXX, Criminal Justice 53915
Services Operating, up to \$650,000 in each fiscal year shall be 53916
used for the purpose of matching federal funds. 53917

WORKERS' COMPENSATION SECTION 53918

The Workers' Compensation Section Fund (Fund 195) shall 53919
receive payments from the Bureau of Workers' Compensation and the 53920
Ohio Industrial Commission at the beginning of each quarter of 53921
each fiscal year to fund legal services to be provided to the 53922
Bureau of Workers' Compensation and the Ohio Industrial Commission 53923
during the ensuing quarter. Such advance payment shall be subject 53924
to adjustment. 53925

In addition, the Bureau of Workers' Compensation shall 53926
transfer payments at the beginning of each quarter for the support 53927
of the Workers' Compensation Fraud Unit. 53928

All amounts shall be mutually agreed upon by the Attorney 53929
General, the Bureau of Workers' Compensation, and the Ohio 53930
Industrial Commission. 53931

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 53932

The foregoing appropriation item 055-636, Corrupt Activity 53933
Investigation and Prosecution, shall be used as provided by 53934
division (D)(2) of section 2923.35 of the Revised Code to dispose 53935
of the proceeds, fines, and penalties credited to the Corrupt 53936
Activity Investigation and Prosecution Fund, which is created in 53937
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 53938

is determined that additional amounts are necessary, the amounts 53939
are hereby appropriated. 53940

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 53941

In fiscal years 2004 and 2005, the Attorney General's Office 53942
may request the Director of Budget and Management to transfer 53943
appropriation authority from appropriation item 055-321, Operating 53944
Expenses, to appropriation item 055-406, Community Police Match 53945
and Law Enforcement Assistance. The Director of Budget and 53946
Management shall then transfer appropriation authority from 53947
appropriation item 055-321, Operating Expenses, to appropriation 53948
item 055-406, Community Police Match and Law Enforcement 53949
Assistance. Moneys transferred to appropriation item 055-406, 53950
Community Police Match and Law Enforcement Assistance, shall be 53951
used to pay operating expenses and to provide grants to local law 53952
enforcement agencies and communities for the purpose of supporting 53953
law enforcement-related activities. 53954

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 53955

The foregoing appropriation item 055-XXX, Criminal Justice 53956
Federal Programs, shall be used to fund and close out the Juvenile 53957
Accountability Incentive Block Grant Program for federal fiscal 53958
year 1999. 53959

TRANSFER OF THE OFFICE OF CRIMINAL JUSTICE SERVICES TO THE 53960
OFFICE OF THE ATTORNEY GENERAL 53961

On July 1, 2003, by reason of the elimination of the Office 53962
of Criminal Justice Services by this act or by reason of this 53963
Section, the duties and responsibilities of the Office of Criminal 53964
Justice Services are transferred to the Office of the Attorney 53965
General's Bureau of Criminal Justice Services. 53966

Any business relating to the Office of Criminal Justice 53967
Services commenced but not completed by the Office of Criminal 53968
Justice Services or its Director or staff prior to July 1, 2003, 53969

shall be completed by the Bureau of Criminal Justice Services or 53970
its Superintendent or staff in the same manner, and with the same 53971
effect, as if completed by the Office of Criminal Justice Services 53972
or its Director or staff. 53973

No validation, cure, right, privilege, remedy, obligation, or 53974
liability is lost or impaired by reason of the elimination of the 53975
Office of Criminal Justice Services by this act or by reason of 53976
this section. All of the Office of Criminal Justice Services' 53977
rules, orders, and determinations continue in effect as rules, 53978
orders, and determinations of the Attorney General, until modified 53979
or rescinded by the Attorney General. If necessary to ensure the 53980
integrity of the numbering of the Administrative Code, the 53981
Director of the Legislative Service Commission shall renumber the 53982
Office of Criminal Justice Services' rules to reflect the 53983
assumption of the Office of Criminal Justice Services' duties and 53984
responsibilities by the Bureau of Criminal Justice Services. 53985

Employees of the Office of Criminal Justice Services shall be 53986
transferred to the Office of the Attorney General. Subject to the 53987
lay-off provisions of sections 124.321 to 124.328 of the Revised 53988
Code, those employees of the Office of Criminal Justice Services 53989
so transferred to the Office of the Attorney General retain their 53990
positions and all of the benefits accruing thereto. 53991

No action or proceeding pending on July 1, 2003, that 53992
involves Office of Criminal Justice Services is affected by the 53993
elimination of the Office of Criminal Justice Services by this act 53994
or by reason of this section, and any such action or proceeding 53995
pending on July 1, 2003, shall be prosecuted or defended in the 53996
name of the Office of the Attorney General. In all such actions 53997
and proceedings, the Office of the Attorney General upon 53998
application to the court shall be substituted as a party. 53999

On or after the effective date of this section, 54000
notwithstanding any provision of law to the contrary, the Director 54001

of Budget and Management is authorized to take the action 54002
described in this section with respect to budget changes made 54003
necessary by administrative reorganization, program transfers, the 54004
creation of new funds, and the consolidation of funds as 54005
authorized by this act. The Director may make any transfer of cash 54006
balances between funds. At the request of the Director of Budget 54007
and Management, the Attorney General shall certify to the Director 54008
an estimate of the amount of the cash balance to be transferred to 54009
the receiving fund. The Director may transfer the estimated amount 54010
when needed to make payments. Not more than thirty days after 54011
certifying the estimated amount, the Attorney General shall 54012
certify the final amount to the Director. The Director shall 54013
transfer the difference between any amount previously transferred 54014
and the certified final amount. The Director may cancel 54015
encumbrances and re-establish encumbrances or parts of 54016
encumbrances as needed in the fiscal year in the appropriate fund 54017
and appropriation item for the same purpose and to the same 54018
vendor. As determined by the Director, the appropriation authority 54019
necessary to re-establish such encumbrances in the fiscal year in 54020
a different fund or appropriation item within an agency or between 54021
agencies is hereby appropriated by the General Assembly. The 54022
Director shall reduce each year's appropriation balances by the 54023
amount of the encumbrance canceled in their respective funds and 54024
appropriation item. Any unencumbered or unallocated appropriation 54025
balances from the previous fiscal year may be transferred to the 54026
appropriate appropriation item to be used for the same purposes, 54027
as determined by the Director. 54028

Section 21. AUD AUDITOR OF STATE 54029

General Revenue Fund 54030

GRF 070-321 Operating Expenses \$ 30,813,217 \$ 30,813,217 54031

GRF 070-403 Fiscal Watch/Emergency \$ 200,180 \$ 200,180 54032

Technical Assistance

GRF 070-405	Electronic Data Processing - Auditing and Administration	\$	823,193	\$	823,193	54033
GRF 070-406	Uniform Accounting Network/Technology Improvements Fund	\$	1,774,394	\$	1,774,394	54034
TOTAL GRF	General Revenue Fund	\$	33,610,984	\$	33,610,984	54035
	General Services Fund Group					54036
109 070-601	Public Audit Expense - Intra-State	\$	10,592,547	\$	11,651,800	54037
422 070-601	Public Audit Expense - Local Government	\$	37,617,072	\$	39,497,925	54038
584 070-603	Training Program	\$	124,999	\$	131,250	54039
675 070-605	Uniform Accounting Network	\$	3,015,760	\$	3,317,336	54040
TOTAL GSF	General Services Fund Group	\$	51,350,378	\$	54,598,311	54042
	Holding Account Redistribution Fund Group					54043
R06 070-604	Continuous Receipts	\$	50,000	\$	60,000	54044
TOTAL 090	Holding Account Redistribution Fund Group	\$	50,000	\$	60,000	54046
TOTAL ALL BUDGET FUND GROUPS		\$	85,011,362	\$	88,269,295	54047

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 54048

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 include, but are 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 54058
preliminary accounting reports; performance of annual forecasts; 54059
provision of performance audits; and supervisory, accounting, or 54060
auditing services for the mentioned public entities and school 54061
districts. The unencumbered balance of appropriation item 070-403, 54062
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal 54063
year 2004 is transferred to fiscal year 2005 for use under the 54064
same appropriation item. 54065

ELECTRONIC DATA PROCESSING 54066

The unencumbered balance of appropriation item 070-405, 54067
Electronic Data Processing - Auditing and Administration, at the 54068
end of fiscal year 2004 is transferred to fiscal year 2005 for use 54069
under the same appropriation item. 54070

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 54071

The foregoing appropriation item 070-406, Uniform Accounting 54072
Network/Technology Improvements Fund, shall be used to pay the 54073
costs of developing and implementing the Uniform Accounting 54074
Network and technology improvements for the Office of the Auditor 54075
of State. The unencumbered balance of the appropriation at the end 54076
of fiscal year 2004 is transferred to fiscal year 2005 to pay the 54077
costs of developing and implementing the Uniform Accounting 54078
Network and technology improvements for the Office of the Auditor 54079
of State. 54080

Section 22. BRB BOARD OF BARBER EXAMINERS 54081

General Services Fund Group 54082

4K9 877-609 Operating Expenses \$ 535,853 \$ 555,037 54083

TOTAL GSF General Services Fund 54084

Group \$ 535,853 \$ 555,037 54085

TOTAL ALL BUDGET FUND GROUPS \$ 535,853 \$ 555,037 54086

Section 23. OBM OFFICE OF BUDGET AND MANAGEMENT 54088

General Revenue Fund				54089
GRF 042-321 Budget Development and Implementation	\$	2,787,913	\$ 2,850,687	54090
GRF 042-409 Commission Closures	\$	95,000	\$ 0	54091
GRF 042-410 National Association Dues	\$	27,089	\$ 27,902	54092
GRF 042-412 Audit of Auditor of State	\$	49,450	\$ 51,000	54093
TOTAL GRF General Revenue Fund	\$	2,959,452	\$ 2,929,589	54094
General Services Fund Group				54095
105 042-603 State Accounting	\$	9,131,651	\$ 9,375,862	54096
TOTAL GSF General Services Fund Group	\$	9,131,651	\$ 9,375,862	54097
State Special Revenue Fund Group				54098
5N4 042-602 OAKS Project Implementation	\$	2,062,875	\$ 2,069,125	54099
TOTAL SSR State Special Revenue Fund Group	\$	2,062,875	\$ 2,069,125	54100
TOTAL ALL BUDGET FUND GROUPS	\$	14,153,978	\$ 14,374,576	54101
STATE SERVICES REVIEW				54102
Of the forgoing appropriation item, 042-321, Budget Development and Implementation, \$495,444 in fiscal year 2004 and \$495,443 in fiscal year 2005 shall be used to support the duties described in the sections of this act entitled "State Services Review."				54103 54104 54105 54106 54107
AUDIT COSTS				54108
Of the foregoing appropriation item 042-603, State Accounting, not more than \$400,000 in fiscal year 2004 and \$415,000 in fiscal year 2005 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally				54109 54110 54111 54112 54113

accepted accounting principles for the state. 54114

Section 24. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 54115

General Revenue Fund 54116

GRF 874-321 Operating Expenses \$ 2,553,662 \$ 2,534,329 54117

TOTAL GRF General Revenue Fund \$ 2,553,662 \$ 2,534,329 54118

General Services Fund Group 54119

4G5 874-603 Capitol Square \$ 15,000 \$ 15,000 54120

Maintenance Expenses

4S7 874-602 Statehouse Gift \$ 770,484 \$ 770,484 54121

Shop/Events

TOTAL GSF General Services 54122

Fund Group \$ 785,484 \$ 785,484 54123

Underground Parking Garage 54124

208 874-601 Underground Parking \$ 2,996,801 \$ 2,959,721 54125

Garage Operating

TOTAL UPG Underground Parking 54126

Garage \$ 2,996,801 \$ 2,959,721 54127

TOTAL ALL BUDGET FUND GROUPS \$ 6,335,947 \$ 6,279,534 54128

Section 25. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS 54130

General Services Fund Group 54131

4K9 233-601 Operating Expenses \$ 404,025 \$ 431,525 54132

TOTAL GSF General Services Fund \$ 404,025 \$ 431,525 54133

Group

TOTAL ALL BUDGET FUND GROUPS \$ 404,025 \$ 431,525 54134

Section 26. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 54136

General Services Fund Group 54137

4K9 930-609 Operating Expenses \$ 225,000 \$ 450,000 54138

TOTAL GSF General Services Fund \$ 225,000 \$ 450,000 54139

Group

TOTAL ALL BUDGET FUND GROUPS \$ 225,000 \$ 450,000 54140

Notwithstanding any other law to the contrary, upon 54141
certification by the Director of Administrative Services, the 54142
Director of Budget and Management may transfer cash in an amount 54143
not to exceed the fiscal year 2004 appropriation from Fund 5P1 54144
(Credentialing Fund) to Fund 4K9 (Occupational Licensing). The 54145
amount transferred is hereby appropriated. The cash shall be used 54146
to pay expenses related to establishing the Chemical Dependency 54147
Professionals Board, including, but not limited to, travel 54148
reimbursement of board members. 54149

Upon completion of the transition of the Department of 54150
Alcohol and Drug Addiction's certificates and credentials issuance 54151
program to the Chemical Dependency Professionals Board, the 54152
Director of Alcohol and Drug Addiction Services shall certify to 54153
the Director of Budget and Management the remaining cash in Fund 54154
5P1 (Credentialing Fund). The Director of Budget and Management 54155
shall transfer the certified balance from Fund 5P1 to Fund 4K9 54156
(Occupational Licensing). This transition shall be completed in 54157
accordance with Section 5 of Am. Sub. H.B. 496 of the 124th 54158
General Assembly. 54159

Section 27. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS 54160

General Services Fund Group 54161

4K9 878-609 Operating Expenses \$ 591,724 \$ 591,724 54162

TOTAL GSF General Services Fund 54163

Group \$ 591,724 \$ 591,724 54164

TOTAL ALL BUDGET FUND GROUPS \$ 591,724 \$ 591,724 54165

CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS 54166

If the State Chiropractic Board refused to issue a license to 54167
practice chiropractic to an individual solely because the 54168
individual did not meet the examination requirements of division 54169

(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as 54170
 specified on and after the effective date of Am. Sub. H.B. 506 of 54171
 the 123rd General Assembly but before the effective date of this 54172
 section, the Board shall reconsider the application and issue or 54173
 refuse to issue a license according to the examination 54174
 requirements specified in division (B)(4)(b) or (c) of section 54175
 4734.20 of the Revised Code, as amended by this act. 54176

Section 28. CIV OHIO CIVIL RIGHTS COMMISSION 54177

General Revenue Fund 54178

GRF 876-100 Personal Services	\$	7,000,000	\$	7,000,000	54179
GRF 876-200 Maintenance	\$	400,000	\$	400,000	54180
GRF 876-300 Equipment	\$	91,298	\$	91,298	54181
TOTAL GRF General Revenue Fund	\$	7,491,298	\$	7,491,298	54182

Federal Special Revenue Fund Group 54183

334 876-601 Federal Programs	\$	3,965,000	\$	3,790,000	54184
TOTAL FED Federal Special Revenue					54185
Fund Group	\$	3,965,000	\$	3,790,000	54186

State Special Revenue Fund Group 54187

217 876-604 General Reimbursement	\$	20,951	\$	20,951	54188
TOTAL SSR State Special					54189
Revenue Fund Group	\$	20,951	\$	20,951	54190
TOTAL ALL BUDGET FUND GROUPS	\$	11,477,249	\$	11,302,249	54191

Section 29. COM DEPARTMENT OF COMMERCE 54193

General Revenue Fund 54194

GRF 800-402 Grants-Volunteer Fire	\$	647,953	\$	647,953	54195
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Departments

GRF 800-410 Labor and Worker	\$	3,700,040	\$	3,725,040	54196
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Safety

Total GRF General Revenue Fund	\$	4,347,993	\$	4,372,993	54197
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General Services Fund Group 54198

163	800-620	Division of Administration	\$	3,385,803	\$	3,490,056	54199
163	800-637	Information Technology	\$	4,982,851	\$	5,001,315	54200
5F1	800-635	Small Government Fire Departments	\$	250,000	\$	250,000	54201
TOTAL GSF General Services Fund							54202
Group			\$	8,618,654	\$	8,741,371	54203
Federal Special Revenue Fund Group							54204
348	800-622	Underground Storage Tanks	\$	195,008	\$	195,008	54205
348	800-624	Leaking Underground Storage Tanks	\$	1,850,000	\$	1,850,000	54206
349	800-626	OSHA Enforcement	\$	1,527,750	\$	1,604,140	54207
TOTAL FED Federal Special Revenue							54208
Fund Group			\$	3,572,758	\$	3,649,148	54209
State Special Revenue Fund Group							54210
4B2	800-631	Real Estate Appraisal Recovery	\$	60,000	\$	60,000	54211
4H9	800-608	Cemeteries	\$	273,465	\$	273,465	54212
4L5	800-609	Fireworks Training and Education	\$	10,976	\$	10,976	54213
4X2	800-619	Financial Institutions	\$	1,760,798	\$	1,940,843	54214
5B9	800-632	PI & Security Guard Provider	\$	1,188,716	\$	1,188,716	54215
5K7	800-621	Penalty Enforcement	\$	50,000	\$	50,000	54216
543	800-602	Unclaimed Funds-Operating	\$	7,051,051	\$	7,051,051	54217
543	800-625	Unclaimed Funds-Claims	\$	25,512,867	\$	25,512,867	54218
544	800-612	Banks	\$	6,657,997	\$	6,657,997	54219
545	800-613	Savings Institutions	\$	2,765,618	\$	2,894,330	54220
546	800-610	Fire Marshal	\$	11,723,994	\$	11,787,994	54221
547	800-603	Real Estate	\$	250,000	\$	250,000	54222

	Education/Research				
548	800-611	Real Estate Recovery	\$ 100,000	\$ 100,000	54223
549	800-614	Real Estate	\$ 3,586,754	\$ 3,705,892	54224
550	800-617	Securities	\$ 4,600,000	\$ 4,800,000	54225
552	800-604	Credit Union	\$ 2,613,356	\$ 2,751,852	54226
553	800-607	Consumer Finance	\$ 3,194,787	\$ 3,228,019	54227
556	800-615	Industrial Compliance	\$ 24,627,687	\$ 25,037,257	54228
6A4	800-630	Real Estate	\$ 658,506	\$ 664,006	54229
	Appraiser-Operating				
653	800-629	UST	\$ 1,353,632	\$ 1,249,632	54230
	Registration/Permit Fee				
TOTAL SSR State Special Revenue					54231
Fund Group			\$ 98,040,204	\$ 99,214,897	54232
Liquor Control Fund Group					54233
043	800-601	Merchandising	\$ 341,079,554	\$ 353,892,432	54234
043	800-627	Liquor Control	\$ 15,278,936	\$ 14,012,955	54235
	Operating				
043	800-633	Economic Development	\$ 23,277,500	\$ 29,029,500	54236
	Debt Service				
043	800-636	Revitalization Debt	\$ 4,747,800	\$ 9,736,300	54237
	Service				
TOTAL LCF Liquor Control					54238
Fund Group			\$ 384,383,790	\$ 406,671,187	54239
TOTAL ALL BUDGET FUND GROUPS					54240

GRANTS-VOLUNTEER FIRE DEPARTMENTS 54241

The foregoing appropriation item 800-402, Grants-Volunteer 54242
 Fire Departments, shall be used to make annual grants to volunteer 54243
 fire departments of up to \$10,000, or up to \$25,000 if the 54244
 volunteer fire department provides service for an area affected by 54245
 a natural disaster. The grant program shall be administered by the 54246
 Fire Marshal under the Department of Commerce. The Fire Marshal 54247

shall adopt rules necessary for the administration and operation 54248
of the grant program. 54249

LABOR AND WORKER SAFETY 54250

The Department of Commerce may designate a portion of 54251
appropriation item 800-410, Labor and Worker Safety, to be used to 54252
match federal funding for the OSHA on-site consultation program. 54253

SMALL GOVERNMENT FIRE DEPARTMENTS 54254

Upon the request of the Director of Commerce, the Director of 54255
Budget and Management shall transfer \$250,000 cash in each fiscal 54256
year from the State Fire Marshal Fund (Fund 546) within the State 54257
Special Revenue Fund Group to the Small Government Fire 54258
Departments Fund (Fund 5F1) within the General Services Fund 54259
Group. 54260

Notwithstanding section 3737.17 of the Revised Code, the 54261
foregoing appropriation item 800-635, Small Government Fire 54262
Departments, may be used to provide loans to private fire 54263
departments. 54264

PENALTY ENFORCEMENT 54265

The foregoing appropriation item 800-621, Penalty 54266
Enforcement, shall be used to enforce sections 4115.03 to 4115.16 54267
of the Revised Code. 54268

UNCLAIMED FUNDS PAYMENTS 54269

The foregoing appropriation item 800-625, Unclaimed 54270
Funds-Claims, shall be used to pay claims pursuant to section 54271
169.08 of the Revised Code. If it is determined that additional 54272
amounts are necessary, the amounts are hereby appropriated. 54273

BANKS FUND (FUND 544) TRANSFER TO THE GRF 54274

On July 31, 2003, or as soon as possible thereafter, the 54275
Director of Budget and Management shall transfer \$2,000,000 cash 54276
from the Banks Fund (Fund 544) to the General Revenue Fund. 54277

FIRE MARSHAL FUND (FUND 546) TRANSFER TO THE GRF	54278
On July 31, 2003, or as soon as possible thereafter, the	54279
Director of Budget and Management shall transfer \$10,000,000 cash	54280
from the Fire Marshal Fund (Fund 546) to the General Revenue Fund.	54281
REAL ESTATE FUND (FUND 549) TRANSFER TO THE GRF	54282
On July 31, 2003, or as soon as possible thereafter, the	54283
Director of Budget and Management shall transfer \$1,000,000 cash	54284
from the Real Estate Fund (Fund 549) to the General Revenue Fund.	54285
CONSUMER FINANCE FUND (FUND 553) TRANSFER TO THE GRF	54286
On July 31, 2003, or as soon as possible thereafter, the	54287
Director of Budget and Management shall transfer \$2,000,000 cash	54288
from the Consumer Finance Fund (Fund 553) to the General Revenue	54289
Fund.	54290
INDUSTRIAL COMPLIANCE FUND (FUND 556) TRANSFER TO THE GRF	54291
On July 31, 2003, or as soon as possible thereafter, the	54292
Director of Budget and Management shall transfer \$1,000,000 cash	54293
from the Industrial Compliance Fund (Fund 556), to the General	54294
Revenue Fund.	54295
INCREASED APPROPRIATION AUTHORITY - MERCHANDISING	54296
The foregoing appropriation item 800-601, Merchandising,	54297
shall be used pursuant to section 4301.12 of the Revised Code. If	54298
it is determined that additional amounts are nessary, the amounts	54299
are hereby appropriated.	54300
ECONOMIC DEVELOPMENT DEBT SERVICE	54301
The foregoing appropriation item 800-633, Economic	54302
Development Debt Service, shall be used to meet all payments at	54303
the times they are required to be made during the period from July	54304
1, 2003, to June 30, 2005, for bond service charges on obligations	54305
issued under Chapter 166. of the Revised Code. If it is determined	54306

that additional appropriations are necessary for this purpose, 54307
such amounts are hereby appropriated, subject to the limitations 54308
set forth in section 166.11 of the Revised Code. The General 54309
Assembly acknowledges that an appropriation for this purpose is 54310
not required, but is made in this form and in this act for record 54311
purposes only. 54312

REVITALIZATION DEBT SERVICE 54313

The foregoing appropriation item 800-636, Revitalization Debt 54314
Service, shall be used to pay debt service and related financing 54315
costs under sections 151.01 and 151.40 of the Revised Code during 54316
the period from July 1, 2003, to June 30, 2005. If it is 54317
determined that additional appropriations are necessary for this 54318
purpose, such amounts are hereby appropriated. The General 54319
Assembly acknowledges the priority of the pledge of a portion of 54320
receipts from that source to obligations issued and to be issued 54321
under Chapter 166. of the Revised Code. 54322

ADMINISTRATIVE ASSESSMENTS 54323

Notwithstanding any other provision of law to the contrary, 54324
Fund 163, Division of Administration, shall receive assessments 54325
from all operating funds of the department in accordance with 54326
procedures prescribed by the Director of Commerce and approved by 54327
the Director of Budget and Management. 54328

Section 30. OCC OFFICE OF CONSUMERS' COUNSEL 54329

General Services Fund Group 54330

5F5 053-601 Operating Expenses \$ 9,277,519 \$ 9,277,519 54331

TOTAL GSF General Services Fund \$ 9,277,519 \$ 9,277,519 54332

Group

TOTAL ALL BUDGET FUND GROUPS \$ 9,277,519 \$ 9,277,519 54333

Section 31. CEB CONTROLLING BOARD 54335

General Revenue Fund				54336
GRF 911-401 Emergency	\$	5,000,000	\$ 5,000,000	54337
Purposes/Contingencies				
GRF 911-404 Mandate Assistance	\$	1,462,500	\$ 1,462,500	54338
GRF 911-416 Educational Technology	\$	0	\$ 23,000,000	54339
GRF 911-441 Ballot Advertising	\$	487,500	\$ 487,500	54340
Costs				
TOTAL GRF General Revenue Fund	\$	6,950,000	\$ 29,950,000	54341
State Special Revenue Fund Group				54342
5E2 911-601 Disaster Services	\$	4,000,000	\$ 0	54343
TOTAL SSR State Special				54344
Revenue Fund Group	\$	4,000,000	\$ 0	54345
TOTAL ALL BUDGET FUND GROUPS	\$	10,950,000	\$ 29,950,000	54346
FEDERAL SHARE				54347
In transferring appropriations to or from appropriation items				54348
that have federal shares identified in this act, the Controlling				54349
Board shall add or subtract corresponding amounts of federal				54350
matching funds at the percentages indicated by the state and				54351
federal division of the appropriations in this act. Such changes				54352
are hereby appropriated.				54353
DISASTER ASSISTANCE				54354
Pursuant to requests submitted by the Department of Public				54355
Safety, the Controlling Board may approve transfers from the				54356
Emergency Purposes Fund to a Department of Public Safety General				54357
Revenue Fund appropriation item to provide funding for assistance				54358
to political subdivisions made necessary by natural disasters or				54359
emergencies. Such transfers may be requested and approved prior to				54360
the occurrence of any specific natural disasters or emergencies in				54361
order to facilitate the provision of timely assistance.				54362
SOUTHERN OHIO CORRECTIONAL FACILITY COST				54363

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;	54394		
(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.	54395 54396 54397		
The unencumbered balance of appropriation item 911-601, Disaster Services, at the end of fiscal year 2004 is transferred to fiscal year 2005 for use under the same appropriation item.	54398 54399 54400		
MANDATE ASSISTANCE	54401		
(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:	54402 54403 54404 54405		
(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;	54406 54407 54408 54409		
(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;	54410 54411		
(3) The cost to school districts of in-service training for child abuse detection.	54412 54413		
(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 may be used for each program of state financial assistance.	54414 54415 54416 54417 54418 54419 54420 54421		
ADMINISTERING	ESTIMATED ANNUAL	54422	
PROGRAM	AGENCY	AMOUNT	54423

Prosecution Costs	Office of Criminal	\$146,500	54424
	Justice Services		54425
Firefighter Training	Department of	\$731,000	54426
Costs	Commerce		
Child Abuse Detection	Department of	\$585,000	54427
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance

shall be carried out as follows: 54454

(1) PROSECUTION COSTS 54455

(a) Appropriations may be transferred to the Office of 54456
Criminal Justice Services to cover local prosecution costs for 54457
aggravated murder, murder, felonies of the first degree, and 54458
felonies of the second degree that occur on the grounds of 54459
institutions operated by the Department of Rehabilitation and 54460
Correction and the Department of Youth Services. 54461

(b) Upon a delinquency filing in juvenile court or the return 54462
of an indictment for aggravated murder, murder, or any felony of 54463
the first or second degree that was committed at a Department of 54464
Youth Services or a Department of Rehabilitation and Correction 54465
institution, the affected county may, in accordance with rules 54466
that the Office of Criminal Justice Services shall adopt, apply to 54467
the Office of Criminal Justice Services for a grant to cover all 54468
documented costs that are incurred by the county prosecutor's 54469
office. 54470

(c) Twice each year, the Office of Criminal Justice Services 54471
shall designate counties to receive grants from those counties 54472
that have submitted one or more applications in compliance with 54473
the rules that have been adopted by the Office of Criminal Justice 54474
Services for the receipt of such grants. In each year's first 54475
round of grant awards, if sufficient appropriations have been 54476
made, up to a total of \$100,000 may be awarded. In each year's 54477
second round of grant awards, the remaining appropriations 54478
available for this purpose may be awarded. 54479

(d) If for a given round of grants there are insufficient 54480
appropriations to make grant awards to all the eligible counties, 54481
the first priority shall be given to counties with cases involving 54482
aggravated murder and murder; second priority shall be given to 54483
cases involving a felony of the first degree; and third priority 54484

shall be given to cases involving a felony of the second degree. 54485
Within these priorities, the grant awards shall be based on the 54486
order in which the applications were received, except that 54487
applications for cases involving a felony of the first or second 54488
degree shall not be considered in more than two consecutive rounds 54489
of grant awards. 54490

(2) FIREFIGHTER TRAINING COSTS 54491

Appropriations may be transferred to the Department of 54492
Commerce for use as full or partial reimbursement to local units 54493
of government and fire departments for the cost of firefighter 54494
training and equipment or gear. In accordance with rules that the 54495
department shall adopt, a local unit of government or fire 54496
department may apply to the department for a grant to cover all 54497
documented costs that are incurred to provide firefighter training 54498
and equipment or gear. The department shall make grants within the 54499
limits of the funding provided, with priority given to fire 54500
departments that serve small villages and townships. 54501

(3) CHILD ABUSE DETECTION TRAINING COSTS 54502

Appropriations may be transferred to the Department of 54503
Education for disbursement to local school districts as full or 54504
partial reimbursement for the cost of providing in-service 54505
training for child abuse detection. In accordance with rules that 54506
the department shall adopt, a local school district may apply to 54507
the department for a grant to cover all documented costs that are 54508
incurred to provide in-service training for child abuse detection. 54509
The department shall make grants within the limits of the funding 54510
provided. 54511

(G) Any moneys allocated within appropriation item 911-404, 54512
Mandate Assistance, not fully utilized may, upon application of 54513
the Ohio Public Defender Commission, and with the approval of the 54514
Controlling Board, be disbursed to boards of county commissioners 54515

to provide additional reimbursement for the costs incurred by 54516
counties in providing defense to indigent defendants pursuant to 54517
Chapter 120. of the Revised Code. 54518

The amount to be disbursed to each county shall be allocated 54519
proportionately on the basis of the total amount of reimbursement 54520
paid to each county as a percentage of the amount of reimbursement 54521
paid to all of the counties during the most recent state fiscal 54522
year for which data is available and as calculated by the Ohio 54523
Public Defender Commission. 54524

EDUCATIONAL TECHNOLOGY 54525

Of the foregoing appropriation item 911-416, Educational 54526
Technology, up to \$23,000,000 in fiscal year 2005 may be 54527
transferred by the Director of Budget and Management to the Ohio 54528
Department of Education based on the Ohio Technology Integration 54529
Task Force Plan pursuant to the section entitled "Ohio Technology 54530
Integration Task Force" of this act. 54531

BALLOT ADVERTISING COSTS 54532

Pursuant to requests submitted by the Ohio Ballot Board, the 54533
Controlling Board shall approve transfers from the foregoing 54534
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 54535
Ballot Board appropriation item in order to reimburse county 54536
boards of elections for the cost of public notices associated with 54537
statewide ballot initiatives. 54538

Of the foregoing appropriation item 911-441, Ballot 54539
Advertising Costs, the Director of Budget and Management shall 54540
transfer any amounts that are not needed for the purpose of 54541
reimbursing county boards of elections for the cost of public 54542
notices associated with statewide ballot initiatives to 54543
appropriation item 911-404, Mandate Assistance. 54544

Section 32. COS STATE BOARD OF COSMETOLOGY 54545

General Services Fund Group				54546	
4K9 879-609 Operating Expenses	\$	2,681,359	\$	2,822,359	54547
TOTAL GSF General Services Fund				54548	
Group	\$	2,681,359	\$	2,822,359	54549
TOTAL ALL BUDGET FUND GROUPS	\$	2,681,359	\$	2,822,359	54550

Section 33. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD 54552
54553

General Services Fund Group				54554	
4K9 899-609 Operating Expenses	\$	1,021,524	\$	1,044,812	54555
TOTAL GSF General Services Fund				54556	
Group	\$	1,021,524	\$	1,044,812	54557
TOTAL ALL BUDGET FUND GROUPS	\$	1,021,524	\$	1,044,812	54558

Section 34. CLA COURT OF CLAIMS 54560

General Revenue Fund				54561	
GRF 015-321 Operating Expenses	\$	2,452,000	\$	2,477,000	54562
TOTAL GRF General Revenue Fund	\$	2,452,000	\$	2,477,000	54563
State Special Revenue Fund Group				54564	
5K2 015-603 CLA Victims of Crime	\$	1,532,043	\$	1,582,684	54565
TOTAL SSR State Special Revenue				54566	
Fund Group	\$	1,532,043	\$	1,582,684	54567
TOTAL ALL BUDGET FUND GROUPS	\$	3,984,043	\$	4,059,684	54568

OFFICE SPACE RENTAL EXPENSES 54569

Of the foregoing appropriation item 015-321, Operating Expenses, in fiscal year 2005, upon approval of the Controlling Board, the Court of Claims may expend up to \$302,000 for the purpose of paying fiscal year 2005 office space rental expenses. 54570
54571
54572
54573

Section 36. DEN STATE DENTAL BOARD 54574

General Services Fund Group				54575
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4K9 880-609 Operating Expenses	\$	1,324,456	\$	1,346,656	54576
TOTAL GSF General Services Fund					54577
Group	\$	1,324,456	\$	1,346,656	54578
TOTAL ALL BUDGET FUND GROUPS	\$	1,324,456	\$	1,346,656	54579

Section 37. BDP BOARD OF DEPOSIT 54581

General Services Fund Group					54582
4M2 974-601 Board of Deposit	\$	838,000	\$	838,000	54583
TOTAL GSF General Services Fund					54584
Group	\$	838,000	\$	838,000	54585
TOTAL ALL BUDGET FUND GROUPS	\$	838,000	\$	838,000	54586

BOARD OF DEPOSIT EXPENSE FUND 54587

Upon receiving certification of expenses from the Treasurer 54588
of State, the Director of Budget and Management shall transfer 54589
cash from the Investment Earnings Redistribution Fund (Fund 608) 54590
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 54591
shall be used to pay for banking charges and fees required for the 54592
operation of the State of Ohio Regular Account. 54593

Section 38. DEV DEPARTMENT OF DEVELOPMENT 54594

General Revenue Fund					54595
GRF 195-321 Operating Expenses	\$	2,695,236	\$	3,020,115	54596
GRF 195-401 Thomas Edison Program	\$	16,334,934	\$	16,334,934	54597
GRF 195-404 Small Business	\$	1,740,722	\$	1,740,722	54598
Development					
GRF 195-405 Minority Business	\$	1,620,755	\$	1,669,378	54599
Development Division					
GRF 195-407 Travel and Tourism	\$	4,549,345	\$	4,549,345	54600
GRF 195-412 Business Development	\$	8,905,530	\$	8,905,530	54601
Grants					
GRF 195-414 First Frontier Match	\$	389,987	\$	389,987	54602
GRF 195-415 Economic Development	\$	5,594,975	\$	5,594,975	54603

	Division and Regional Offices					
GRF 195-416	Governor's Office of Appalachia	\$	4,372,324	\$	4,372,324	54604
GRF 195-417	Urban/Rural Initiative	\$	589,390	\$	589,390	54605
GRF 195-422	Third Frontier Action Fund	\$	13,790,000	\$	13,790,000	54606
GRF 195-426	Clean Ohio Administration	\$	518,730	\$	518,730	54607
GRF 195-432	International Trade	\$	4,492,713	\$	4,492,713	54608
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500	54609
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869	54610
GRF 195-497	CDBG Operating Match	\$	1,107,400	\$	1,107,400	54611
GRF 195-498	State Energy Match	\$	100,000	\$	100,000	54612
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	54613
GRF 195-502	Appalachian Regional Commission Dues	\$	238,274	\$	246,803	54614
GRF 195-507	Travel and Tourism Grants	\$	780,000	\$	780,000	54615
GRF 195-905	Third Frontier Research & Commercialization General Obligation Debt Service	\$	0	\$	7,360,000	54616
TOTAL GRF	General Revenue Fund	\$	81,239,764	\$	88,981,795	54617
	General Services Fund Group					54618
135 195-605	Supportive Services	\$	7,417,068	\$	7,539,686	54619
136 195-621	International Trade	\$	24,915	\$	24,915	54620
685 195-636	General Reimbursements	\$	1,316,012	\$	1,232,530	54621
TOTAL GSF	General Services Fund					54622

Group		\$	8,757,995	\$	8,797,131	54623
Federal Special Revenue Fund Group						54624
3K8 195-613	Community Development	\$	65,000,000	\$	65,000,000	54625
	Block Grant					
3K9 195-611	Home Energy Assistance	\$	85,036,000	\$	85,036,000	54626
	Block Grant					
3K9 195-614	HEAP Weatherization	\$	16,219,479	\$	16,219,479	54627
3L0 195-612	Community Services	\$	25,235,000	\$	25,235,000	54628
	Block Grant					
3V1 195-601	HOME Program	\$	40,000,000	\$	40,000,000	54629
308 195-602	Appalachian Regional	\$	350,200	\$	350,200	54630
	Commission					
308 195-603	Housing and Urban	\$	5,000,000	\$	5,000,000	54631
	Development					
308 195-605	Federal Projects	\$	15,300,248	\$	15,300,248	54632
308 195-609	Small Business	\$	4,196,381	\$	4,296,381	54633
	Administration					
308 195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	54634
335 195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	54635
380 195-622	Housing Development	\$	5,606,080	\$	5,667,627	54636
	Operating					
TOTAL FED	Federal Special Revenue					54637
Fund Group		\$	273,841,047	\$	274,002,594	54638
State Special Revenue Fund Group						54639
4F2 195-639	State Special Projects	\$	540,183	\$	290,183	54640
4H4 195-641	First Frontier	\$	500,000	\$	500,000	54641
4S0 195-630	Enterprise Zone	\$	211,900	\$	211,900	54642
	Operating					
4S1 195-634	Job Creation Tax	\$	375,800	\$	375,800	54643
	Credit Operating					
4W1 195-646	Minority Business	\$	2,580,597	\$	2,580,597	54644
	Enterprise Loan					

444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	54645
445	195-617	Housing Finance Operating	\$	5,040,843	\$	4,983,738	54646
450	195-624	Minority Business Bonding Program Administration	\$	13,563	\$	13,563	54647
451	195-625	Economic Development Financing Operating	\$	2,358,310	\$	2,358,310	54648
5M4	195-659	Universal Service	\$	170,000,000	\$	170,000,000	54649
5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000	54650
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	54651
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	54652
646	195-638	Low and Moderate Income Housing Trust Fund	\$	40,000,000	\$	40,000,000	54653
TOTAL SSR State Special Revenue							54654
Fund Group			\$	234,360,684	\$	234,053,579	54655
Facilities Establishment Fund Group							54656
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149	54657
4Z6	195-647	Rural Industrial Park Loan	\$	5,000,000	\$	5,000,000	54658
5D2	195-650	Urban Redevelopment Loans	\$	10,475,000	\$	10,475,000	54659
5H1	195-652	Family Farm Loan Guarantee	\$	1,500,000	\$	1,500,000	54660
5S8	195-627	Rural Development Initiative	\$	5,000,000	\$	5,000,000	54661
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	54662

Program			
TOTAL 037 Facilities			54663
Establishment Fund Group	\$ 88,906,149	\$ 88,906,149	54664
Clean Ohio Revitalization Fund			54665
003 195-663 Clean Ohio Operating	\$ 150,000	\$ 150,000	54666
TOTAL 003 Clean Ohio Revitalization Fund	\$ 150,000	\$ 150,000	54667
TOTAL ALL BUDGET FUND GROUPS	\$ 687,255,639	\$ 694,891,248	

Section 38.01. THOMAS EDISON PROGRAM 54670

The foregoing appropriation item 195-401, Thomas Edison 54671
 Program, shall be used for the purposes of sections 122.28 to 54672
 122.38 of the Revised Code in order to provide funds for 54673
 cooperative public and private efforts in technological innovation 54674
 to promote the development and transfer of technology by and to 54675
 Ohio businesses that will lead to the creation of jobs, and to 54676
 provide for the administration of this program by the Technology 54677
 Division. 54678

Of the foregoing appropriation item 195-401, Thomas Edison 54679
 Program, not more than \$2,000,000 in fiscal year 2004 and 54680
 \$2,300,000 in fiscal year 2005 shall be used for operating 54681
 expenditures in administering the programs of the Technology 54682
 Division. 54683

Section 38.02. SMALL BUSINESS DEVELOPMENT 54684

The foregoing appropriation item 195-404, Small Business 54685
 Development, shall be used to ensure that the unique needs and 54686
 concerns of small businesses are addressed. 54687

The foregoing appropriation item 195-404, Small Business 54688
 Development, may be used to provide grants to local organizations 54689
 to support the operation of Small Business Development Centers and 54690
 other local economic development activity promoting small 54691

business, and for the cost of administering the small business 54692
development center program. The centers shall provide technical, 54693
financial, and management consultation for small business and 54694
shall facilitate access to state and federal programs. These funds 54695
shall be used as matching funds for grants from the United States 54696
Small Business Administration and other federal agencies, pursuant 54697
to Public Law No. 96-302 (1980) as amended by Public Law No. 54698
98-395 (1984), and regulations and policy guidelines for the 54699
programs under this law. 54700

In addition, the Office of Small Business may operate the 54701
1st-Stop Business Connection and implement and coordinate the 54702
duties imposed on the Department of Development by Am. Sub. S.B. 54703
239 of the 115th General Assembly. 54704

MINORITY BUSINESS DEVELOPMENT DIVISION 54705

Of the foregoing appropriation item 195-405, Minority 54706
Business Development Division, up to \$1,060,000 but not less than 54707
\$954,000 in each fiscal year shall be used to fund minority 54708
contractors and business assistance organizations. The Minority 54709
Business Development Division shall determine which cities need 54710
minority contractors and business assistance organizations by 54711
utilizing United States Census Bureau data and zip codes to locate 54712
the highest concentrations of minority businesses. The Minority 54713
Business Development Division also shall determine the numbers of 54714
minority contractors and business assistance organizations 54715
necessary and the amount of funding to be provided each. In 54716
addition, the Minority Business Development Division shall 54717
continue to plan and implement business conferences. 54718

Section 38.04. BUSINESS DEVELOPMENT 54719

The foregoing appropriation item 195-412, Business 54720
Development Grants, shall be used as an incentive for attracting 54721
and retaining business opportunities for the state. Any such 54722

business opportunity, whether new, expanding, or relocating in 54723
Ohio, is eligible for funding. The project must create or retain a 54724
significant number of jobs for Ohioans. Grant awards may be 54725
considered only when (1) the project's viability hinges on an 54726
award of funds from appropriation item 195-412, Business 54727
Development Grants; (2) all other public or private sources of 54728
financing have been considered; or (3) the funds act as a catalyst 54729
for the infusion into the project of other financing sources. 54730

The department's primary goal shall be to award funds to 54731
political subdivisions of the state for off-site infrastructure 54732
improvements. In order to meet the particular needs of economic 54733
development in a region, the department may elect to award funds 54734
directly to a business for on-site infrastructure improvements. 54735
"Infrastructure improvements" mean improvements to water system 54736
facilities, sewer and sewage treatment facilities, electric or gas 54737
service facilities, fiber optic facilities, rail facilities, site 54738
preparation, and parking facilities. The Director of Development 54739
may recommend the funds be used in an alternative manner when 54740
deemed appropriate to meet an extraordinary economic development 54741
opportunity or need. 54742

The foregoing appropriation item 195-412, Business 54743
Development Grants, may be expended only after the submission of a 54744
request to the Controlling Board by the Department of Development 54745
outlining the planned use of the funds, and the subsequent 54746
approval of the request by the Controlling Board. 54747

The foregoing appropriation item 195-412, Business 54748
Development Grants, may be used for, but is not limited to, 54749
construction, rehabilitation, and acquisition projects for rail 54750
freight assistance as requested by the Department of 54751
Transportation. The Director of Transportation shall submit the 54752
proposed projects to the Director of Development for an evaluation 54753
of potential economic benefit. 54754

Section 38.05. FIRST FRONTIER MATCH 54755

The foregoing appropriation item 195-414, First Frontier 54756
Match, shall be used as matching funds to targeted counties for 54757
the purpose of marketing state, regional, and local 54758
characteristics that may attract economic development. "Targeted 54759
counties" mean counties that have a population of less than 54760
175,000 residents. The appropriation may be used either for 54761
marketing programs by individual targeted counties or for regional 54762
marketing campaigns that are marketing programs in which at least 54763
one targeted county is participating with one or more other 54764
targeted counties or larger counties. 54765

ECONOMIC DEVELOPMENT DIVISION AND REGIONAL OFFICES 54766

The foregoing appropriation item 195-415, Economic 54767
Development Division and Regional Offices, shall be used for the 54768
operating expenses of the Economic Development Division and the 54769
regional economic development offices and for grants for 54770
cooperative economic development ventures. 54771

Section 38.06. GOVERNOR'S OFFICE OF APPALACHIA 54772

The foregoing appropriation item 195-416, Governor's Office 54773
of Appalachia, shall be used for the administrative costs of 54774
planning and liaison activities for the Governor's Office of 54775
Appalachia. Funds not expended for planning and liaison activities 54776
may be expended for special project grants within the Appalachian 54777
Region. 54778

Of the foregoing appropriation item 195-416, Governor's 54779
Office of Appalachia, up to \$250,000 each fiscal year shall be 54780
used to match federal funds from the Appalachian Regional 54781
Commission to provide job training to impact the Appalachian 54782
Region. 54783

URBAN/RURAL INITIATIVE 54784

The foregoing appropriation item 195-417, Urban/Rural 54785
Initiative, shall be used to make grants in accordance with 54786
sections 122.19 to 122.22 of the Ohio Revised Code. 54787

Section 38.07. THIRD FRONTIER ACTION FUND 54788

The foregoing appropriation item 195-422, Third Frontier 54789
Action Fund, shall be used to make grants in accordance with 54790
sections 184.01 and 184.02 of the Revised Code. Prior to the 54791
release of funds from appropriation item 195-422, Third Frontier 54792
Action Fund, each grant award shall be recommended for funding by 54793
the Third Frontier Commission and obtain approval from the 54794
Controlling Board. 54795

Of the foregoing appropriation item 195-422, Third Frontier 54796
Action Fund, not more than six per cent in each fiscal year shall 54797
be used for operating expenditures in administering the program. 54798

In addition to the six per cent for operating expenditures, 54799
an additional administrative amount, not to exceed \$1,500,000 54800
within the biennium, shall be available for proposal evaluation, 54801
research and analyses, and marketing efforts deemed necessary to 54802
receive and disseminate information about science and 54803
technology-related opportunities in the state. 54804

SCIENCE AND TECHNOLOGY COLLABORATION 54805

The Department of Development shall work in close 54806
collaboration with the Board of Regents, Air Quality Development 54807
Authority, and the Third Frontier Commission in relation to 54808
appropriation items and programs listed in the following 54809
paragraph, and other technology-related appropriations and 54810
programs in the Department of Development and the Board of Regents 54811
as those agencies may designate, to ensure implementation of a 54812
coherent state strategy with respect to science and technology. 54813

Each of the following appropriations and programs: 195-401, 54814
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 54815
Third Frontier Action Fund; 898-632, Coal Research and Development 54816
Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer 54817
Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural 54818
Research and Development Center; 235-553, Dayton Area Graduate 54819
Studies Institute; 235-554, Computer Science Graduate Education; 54820
235-556, Ohio Academic Resources Network; and 195-405, Biomedical 54821
Research and Technology Transfer Trust, shall be reviewed annually 54822
by the Third Frontier Commission with respect to its development 54823
of complementary relationships within a combined state science and 54824
technology investment portfolio and its overall contribution to 54825
the state's science and technology strategy, including the 54826
adoption of appropriately consistent criteria for: (1) the 54827
scientific merit of activities supported by the program; (2) the 54828
relevance of the program's activities to commercial opportunities 54829
in the private sector; (3) the private sector's involvement in a 54830
process that continually evaluates commercial opportunities to use 54831
the work supported by the program; and (4) the ability of the 54832
program and recipients of grant funding from the program to engage 54833
in activities that are collaborative, complementary, and efficient 54834
with respect to the expenditure of state funds. 54835

All programs listed in the preceding paragraph shall provide 54836
annual reports to the Third Frontier Commission discussing 54837
existing, planned, or possible collaborations between programs and 54838
recipients of grant funding related to technology, development, 54839
commercialization, and supporting Ohio's economic development. The 54840
annual review by the Third Frontier Commission shall be a 54841
comprehensive review of the entire state science and technology 54842
program portfolio rather than a review of individual programs. 54843

Section 38.08. INTERNATIONAL TRADE

54844

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices.

The Director of Development may enter into contracts with foreign nationals to staff foreign offices. Such contracts may be paid in local currency or United States currency and shall be exempt from the provisions of section 127.16 of the Revised Code. The director also may establish foreign currency accounts in accordance with section 122.05 of the Revised Code for the payment of expenses related to the operation and maintenance of the foreign trade offices.

The foregoing appropriation item 195-432, International Trade, shall be used to fund the International Trade Division and 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 38.09. OHIO INVESTMENT IN TRAINING PROGRAM

The foregoing appropriation item 195-434, Investment in Training Grants, shall be used to promote training through grants for the reimbursement of eligible training expenses.

Section 38.10. CDBG OPERATING MATCH

The foregoing appropriation item 195-497, CDBG Operating Match, shall be used to provide matching funds as requested by the United States Department of Housing and Urban Development to administer the federally funded Community Development Block Grant

(CDBG) program.	54874
STATE OPERATING MATCH	54875
The foregoing appropriation item 195-498, State Energy Match,	54876
shall be used to provide matching funds as required by the United	54877
States Department of Energy to administer the federally funded	54878
State Energy Plan.	54879
Section 38.11. TRAVEL AND TOURISM GRANTS	54880
The foregoing appropriation item 195-507, Travel and Tourism	54881
Grants, shall be used to provide grants to local organizations to	54882
support various local travel and tourism events in Ohio.	54883
Of the foregoing appropriation item 195-507, Travel and	54884
Tourism Grants, up to \$160,000 in each fiscal year of the biennium	54885
may be used to support the outdoor dramas Trumpet in the Land,	54886
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama;	54887
\$40,000 in each fiscal year shall be used for the Cincinnati Film	54888
Commission; \$40,000 in each fiscal year shall be used for the	54889
Cleveland Film Commission; \$500,000 in each fiscal year shall be	54890
used for grants to the International Center for the Preservation	54891
of Wild Animals; and \$40,000 in fiscal year 2004 shall be used for	54892
the United States Senior Open in Toledo.	54893
Section 38.12. THIRD FRONTIER RESEARCH & COMMERCIALIZATION	54894
GENERAL OBLIGATION DEBT SERVICE	54895
The foregoing appropriation item 195-905, Third Frontier	54896
Research & Commercialization General Obligation Debt Service,	54897
shall be used to pay all debt service and related financing costs	54898
during the period from July 1, 2003, to June 30, 2005, on	54899
obligations to be issued for research and development purposes	54900
under Section 2p of Article VIII, Ohio Constitution, and	54901
implementing legislation. The Office of the Sinking Fund or the	54902
Director of Budget and Management shall effectuate the required	54903

payments by an intrastate transfer voucher. 54904

Section 38.13. SUPPORTIVE SERVICES 54905

The Director of Development may assess divisions of the 54906
department for the cost of central service operations. Such an 54907
assessment shall be based on a plan submitted to and approved by 54908
the Office of Budget and Management by the first day of August of 54909
each fiscal year, and contain the characteristics of 54910
administrative ease and uniform application. 54911

A division's payments shall be credited to the Supportive 54912
Services Fund (Fund 135) using an intrastate transfer voucher. 54913

GENERAL REIMBURSEMENT 54914

The foregoing appropriation item 195-636, General 54915
Reimbursements, shall be used for conference and subscription fees 54916
and other reimbursable costs. Revenues to the General 54917
Reimbursement Fund (Fund 685) shall consist of fees and other 54918
moneys charged for conferences, subscriptions, and other 54919
administrative costs that are not central service costs. 54920

Section 38.13a. TRAINING SERVICES 54921

Of the foregoing appropriation item 195-605, Federal 54922
Projects, \$400,000 in each fiscal year shall be used for grants to 54923
the Ohio Weatherization Training Center, administered by the 54924
Corporation for Ohio Appalachian Development, for training and 54925
technical assistance services. 54926

Section 38.14. HEAP WEATHERIZATION 54927

Fifteen per cent of the federal funds received by the state 54928
for the Home Energy Assistance Block Grant shall be deposited in 54929
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 54930
shall be used to provide home weatherization services in the 54931

state.	54932
Of the foregoing appropriation item 195-614, HEAP	54933
Weatherization, \$200,000 in each fiscal year shall be used for	54934
grants to the Ohio Weatherization Training Center, administered by	54935
the Corporation for Ohio Appalachian Development, for training and	54936
technical assistance services.	54937
STATE SPECIAL PROJECTS	54938
The foregoing appropriation item 195-639, State Special	54939
Projects, shall be used as a general account for the deposit of	54940
private-sector funds from utility companies and other	54941
miscellaneous state funds. Private-sector moneys shall be used to	54942
(1) pay the expenses of verifying the income-eligibility of HEAP	54943
applicants, (2) market economic development opportunities in the	54944
state, and (3) leverage additional federal funds. State funds	54945
shall be used to match federal housing grants for the homeless.	54946
Section 38.15. MINORITY BUSINESS ENTERPRISE LOAN	54947
All repayments from the Minority Development Financing	54948
Advisory Board loan program and the Ohio Mini-Loan Guarantee	54949
Program shall be deposited in the State Treasury to the credit of	54950
the Minority Business Enterprise Loan Fund (Fund 4W1).	54951
All operating costs of administering the Minority Business	54952
Enterprise Loan Fund shall be paid from the Minority Business	54953
Enterprise Loan Fund (Fund 4WI).	54954
MINORITY BUSINESS BONDING FUND	54955
Notwithstanding Chapters 122., 169., and 175. of the Revised	54956
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	54957
General Assembly, the Director of Development may, upon the	54958
recommendation of the Minority Development Financing Advisory	54959
Board, pledge up to \$10,000,000 in the 2003-2005 biennium of	54960
unclaimed funds administered by the Director of Commerce and	54961

allocated to the Minority Business Bonding Program pursuant to 54962
section 169.05 of the Revised Code. The transfer of any cash by 54963
the Director of Budget and Management from the Department of 54964
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 54965
Development's Minority Business Bonding Fund (Fund 449) shall 54966
occur, if requested by the Director of Development, only if such 54967
funds are needed for payment of losses arising from the Minority 54968
Business Bonding Program, and only after proceeds of the initial 54969
transfer of \$2,700,000 by the Controlling Board to the Minority 54970
Business Bonding Program has been used for that purpose. Moneys 54971
transferred by the Director of Budget and Management from the 54972
Department of Commerce for this purpose may be moneys in custodial 54973
funds held by the Treasurer of State. If expenditures are required 54974
for payment of losses arising from the Minority Business Bonding 54975
Program, such expenditures shall be made from appropriation item 54976
195-623, Minority Business Bonding Contingency in the Minority 54977
Business Bonding Fund, and such amounts are appropriated. 54978

MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION 54979

Investment earnings of the Minority Business Bonding Fund 54980
(Fund 449) shall be credited to the Minority Business Bonding 54981
Program Administration Fund (Fund 450). 54982

Section 38.16. ECONOMIC DEVELOPMENT FINANCING OPERATING 54983

The foregoing appropriation item 195-625, Economic 54984
Development Financing Operating, shall be used for the operating 54985
expenses of financial assistance programs authorized under Chapter 54986
166. of the Revised Code and under sections 122.43 and 122.45 of 54987
the Revised Code. 54988

VOLUME CAP ADMINISTRATION 54989

The foregoing appropriation item 195-654, Volume Cap 54990
Administration, shall be used for expenses related to the 54991

administration of the Volume Cap Program. Revenues received by the 54992
Volume Cap Administration Fund (Fund 617) shall consist of 54993
application fees, forfeited deposits, and interest earned from the 54994
custodial account held by the Treasurer of State. 54995

UNIVERSAL SERVICE FUND 54996

The foregoing appropriation item 195-659, Universal Service, 54997
shall be used to provide payments to regulated electric utility 54998
companies for low-income customers enrolled in Percentage of 54999
Income Payment Plan (PIPP) electric accounts, to fund targeted 55000
energy efficiency and customer education services to PIPP 55001
customers, and to cover the department's administrative costs 55002
related to the Universal Service Fund Programs. 55003

ENERGY EFFICIENCY REVOLVING LOAN FUND 55004

The foregoing appropriation item 195-660, Energy Efficiency 55005
Revolving Loan, shall be used to provide financial assistance to 55006
customers for eligible energy efficiency projects for residential, 55007
commercial and industrial business, local government, educational 55008
institution, nonprofit, and agriculture customers, and to pay for 55009
the program's administrative costs as provided in the Revised Code 55010
and rules adopted by the Director of Development. 55011

Section 38.17. FACILITIES ESTABLISHMENT FUND 55012

The foregoing appropriation item 195-615, Facilities 55013
Establishment (Fund 037), shall be used for the purposes of the 55014
Facilities Establishment Fund under Chapter 166. of the Revised 55015
Code. 55016

Notwithstanding Chapter 166. of the Revised Code, up to 55017
\$1,800,000 in cash per fiscal year may be transferred from the 55018
Facilities Establishment Fund (Fund 037) to the Economic 55019
Development Financing Operating Fund (Fund 451). The transfer is 55020
subject to Controlling Board approval pursuant to division (B) of 55021

section 166.03 of the Revised Code. 55022

Notwithstanding Chapter 166. of the Revised Code, up to 55023
\$20,475,000 in cash may be transferred during the biennium from 55024
the Facilities Establishment Fund (Fund 037) to the Urban 55025
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 55026
barriers to urban core redevelopment. The Director of Development 55027
shall develop program guidelines for the transfer and release of 55028
funds, including, but not limited to, the completion of all 55029
appropriate environmental assessments before state assistance is 55030
committed to a project. 55031

Notwithstanding Chapter 166. of the Revised Code, up to 55032
\$5,000,000 per fiscal year in cash may be transferred from the 55033
Facilities Establishment Fund (Fund 037) to the Rural Industrial 55034
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 55035
Board approval pursuant to section 166.03 of the Revised Code. 55036

FAMILY FARM LOAN PROGRAM 55037

Notwithstanding Chapter 166. of the Revised Code, up to 55038
\$1,500,000 in each fiscal year shall be transferred from moneys in 55039
the Facilities Establishment Fund (Fund 037) to the Family Farm 55040
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 55041
These moneys shall be used for loan guarantees. The transfer is 55042
subject to Controlling Board approval. 55043

Financial assistance from the Family Farm Loan Guarantee Fund 55044
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 55045
in accordance with sections 166.031, 901.80, 901.81, 901.82, and 55046
901.83 of the Revised Code. 55047

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 55048
exist, all outstanding balances, all loan repayments, and any 55049
other outstanding obligations shall revert to the Facilities 55050
Establishment Fund (Fund 037). 55051

RURAL DEVELOPMENT INITIATIVE FUND 55052

(A)(1) The Rural Development Initiative Fund (Fund 5S8) shall 55053
receive moneys from the Facilities Establishment Fund (Fund 037). 55054
The Director of Development may make grants from the Rural 55055
Development Initiative Fund as specified in division (A)(2) of 55056
this section to eligible applicants in Appalachian counties and in 55057
rural counties in the state that are designated as distressed 55058
pursuant to section 122.25 of the Revised Code. Preference shall 55059
be given to eligible applicants located in Appalachian counties 55060
designated as distressed by the federal Appalachian Regional 55061
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 55062
cease to exist after June 30, 2007. All moneys remaining in the 55063
Fund after that date shall revert to the Facilities Establishment 55064
Fund (Fund 037). 55065

(2) The Director of Development shall make grants from the 55066
Rural Development Initiative Fund (Fund 5S8) only to eligible 55067
applicants who also qualify for and receive funding under the 55068
Rural Industrial Park Loan Program as specified in sections 122.23 55069
to 122.27 of the Revised Code. Eligible applicants shall use the 55070
grants for the purposes specified in section 122.24 of the Revised 55071
Code. All projects supported by grants from the fund are subject 55072
to Chapter 4115. of the Revised Code as specified in division (E) 55073
of section 166.02 of the Revised Code. The Director shall develop 55074
program guidelines for the transfer and release of funds. The 55075
release of grant moneys to an eligible applicant is subject to 55076
Controlling Board approval. 55077

(B) Notwithstanding Chapter 166. of the Revised Code, the 55078
Director of Budget and Management may transfer up to \$5,000,000 55079
per fiscal year in cash on an as needed basis at the request of 55080
the Director of Development from the Facilities Establishment Fund 55081
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 55082
The transfer is subject to Controlling Board approval pursuant to 55083
section 166.03 of the Revised Code. 55084

CAPITAL ACCESS LOAN PROGRAM				55085
The foregoing appropriation item 195-628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed asset financing.				55086 55087 55088 55089 55090 55091
Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 per fiscal year in cash on an as needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The transfer is subject to Controlling Board approval pursuant to section 166.03 of the Revised Code.				55092 55093 55094 55095 55096 55097 55098
Section 38.18. CLEAN OHIO OPERATING EXPENSES				55099
The foregoing appropriation item 195-663, Clean Ohio Operating, shall be used by the Department of Development in administering sections 122.65 to 122.658 of the Revised Code.				55100 55101 55102
Section 39. OBD OHIO BOARD OF DIETETICS				55103
General Services Fund Group				55104
4K9 860-609 Operating Expenses	\$	334,917	\$ 329,687	55105
TOTAL GSF General Services Fund Group				55106
Group	\$	334,917	\$ 329,687	55107
TOTAL ALL BUDGET FUND GROUPS	\$	334,917	\$ 329,687	55108
Section 39a. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT				55110 55111
General Revenue Fund				55112
GRF 145-401 Commission on Dispute	\$	500,000	\$ 500,000	55113

Resolution/Management					
TOTAL GRF General Revenue Fund	\$	500,000	\$	500,000	55114
General Services Fund Group					55115
4B6 145-601 Gifts and Grants	\$	140,000	\$	150,000	55116
TOTAL GSF General Services Fund	\$	140,000	\$	150,000	55117
Group					
Federal Special Revenue Fund Group					55118
3S6 145-602 Dispute Resolution:	\$	140,000	\$	140,000	55119
Federal					
TOTAL FED Federal Special Revenue	\$	140,000	\$	140,000	55120
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	780,000	\$	790,000	55121
COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT					
					55122
The foregoing appropriation item 145-401, Commission on					55123
Dispute Resolution/Management, shall be used in each fiscal year					55124
by the Commission on Dispute Resolution and Conflict Management					55125
for the purpose of providing dispute resolution and conflict					55126
management training, consultation, and materials for state and					55127
local government, communities, school districts, and courts.					55128
Section 40. EDU DEPARTMENT OF EDUCATION					55129
General Revenue Fund					55130
GRF 200-100 Personal Services	\$	11,110,190	\$	11,332,393	55131
GRF 200-320 Maintenance and	\$	5,066,249	\$	5,066,249	55132
Equipment					
GRF 200-408 Public Preschool	\$	19,018,551	\$	19,018,551	55133
GRF 200-410 Professional	\$	13,410,073	\$	13,410,073	55134
Development					
GRF 200-411 Family and Children	\$	3,324,750	\$	3,324,750	55135
First					
GRF 200-420 Technical Systems	\$	5,703,750	\$	5,703,750	55136

		Development					
GRF	200-421	Alternative Education Programs	\$	15,760,547	\$	15,760,547	55137
GRF	200-422	School Management Assistance	\$	1,778,000	\$	1,778,000	55138
GRF	200-424	Policy Analysis	\$	592,220	\$	592,220	55139
GRF	200-425	Tech Prep Consortia Support	\$	2,133,213	\$	2,133,213	55140
GRF	200-426	Ohio Educational Computer Network	\$	34,331,741	\$	34,331,741	55141
GRF	200-427	Academic Standards	\$	9,000,592	\$	9,000,592	55142
GRF	200-431	School Improvement Initiatives	\$	10,755,625	\$	10,755,625	55143
GRF	200-433	Reading/Writing Improvement	\$	20,738,264	\$	20,738,264	55144
GRF	200-437	Student Assessment	\$	40,853,391	\$	40,853,391	55145
GRF	200-439	Accountability/Report Cards	\$	4,387,500	\$	4,387,500	55146
GRF	200-441	American Sign Language	\$	207,717	\$	207,717	55147
GRF	200-442	Child Care Licensing	\$	1,385,633	\$	1,385,633	55148
GRF	200-445	OhioReads Admin/Volunteer Support	\$	4,500,000	\$	4,500,000	55149
GRF	200-446	Education Management Information System	\$	16,146,469	\$	16,146,469	55150
GRF	200-447	GED Testing/Adult High School	\$	1,829,106	\$	1,829,106	55151
GRF	200-448	Educator Preparation	\$	24,375	\$	24,375	55152
GRF	200-452	Teaching Success Commission Initiatives	\$	1,650,000	\$	1,650,000	55153
GRF	200-455	Community Schools	\$	4,231,842	\$	4,231,842	55154
GRF	200-500	School Finance Equity	\$	13,888,641	\$	7,671,853	55155
GRF	200-501	Base Cost Funding	\$	4,130,934,681	\$	4,202,084,029	55156

GRF 200-502	Pupil Transportation	\$ 388,939,229	\$ 397,960,398	55157
GRF 200-503	Bus Purchase Allowance	\$ 34,399,921	\$ 34,399,921	55158
GRF 200-505	School Lunch Match	\$ 9,398,025	\$ 9,398,025	55159
GRF 200-509	Adult Literacy	\$ 8,774,250	\$ 8,774,250	55160
	Education			
GRF 200-511	Auxiliary Services	\$ 127,903,356	\$ 127,903,356	55161
GRF 200-513	Student Intervention	\$ 35,040,815	\$ 35,040,815	55162
	Services			
GRF 200-520	Disadvantaged Pupil	\$ 367,266,738	\$ 367,266,738	55163
	Impact Aid			
GRF 200-521	Gifted Pupil Program	\$ 48,201,031	\$ 48,201,031	55164
GRF 200-525	Parity Aid	\$ 327,289,958	\$ 435,096,124	55165
GRF 200-532	Nonpublic	\$ 55,803,103	\$ 55,803,103	55166
	Administrative Cost			
	Reimbursement			
GRF 200-540	Special Education	\$ 135,614,484	\$ 137,936,046	55167
	Enhancements			
GRF 200-545	Career-Technical	\$ 12,260,407	\$ 12,260,407	55168
	Education Enhancements			
GRF 200-546	Charge-Off Supplement	\$ 45,888,802	\$ 45,888,802	55169
GRF 200-558	Emergency Loan	\$ 3,022,500	\$ 3,022,500	55170
	Interest Subsidy			
GRF 200-566	OhioReads Grants	\$ 15,000,000	\$ 15,000,000	55171
GRF 200-578	Safe and Supportive	\$ 3,576,348	\$ 3,576,348	55172
	Schools			
GRF 200-901	Property Tax	\$ 783,350,000	\$ 799,260,000	55173
	Allocation - Education			
GRF 200-906	Tangible Tax Exemption	\$ 77,810,000	\$ 82,010,000	55174
	- Education			
TOTAL GRF	General Revenue Fund	\$ 6,852,302,087	\$ 7,056,715,747	55175
	General Services Fund Group			55176
138 200-606	Computer Services	\$ 7,404,690	\$ 7,635,949	55177
4D1 200-602	Ohio	\$ 347,000	\$ 347,000	55178

		Prevention/Education Resource Center					
4L2	200-681	Teacher Certification and Licensure	\$	5,038,017	\$	5,236,517	55179
452	200-638	Miscellaneous Revenue	\$	500,000	\$	500,000	55180
5B1	200-651	Child Nutrition Services	\$	800,000	\$	800,000	55181
5H3	200-687	School District Solvency Assistance	\$	18,000,000	\$	18,000,000	55182
596	200-656	Ohio Career Information System	\$	516,694	\$	529,761	55183
TOTAL GSF General Services							55184
Fund Group			\$	32,606,401	\$	33,049,227	55185
Federal Special Revenue Fund Group							55186
3C5	200-661	Early Childhood Education	\$	21,508,746	\$	21,508,746	55187
3D1	200-664	Drug Free Schools	\$	13,169,757	\$	13,347,966	55188
3D2	200-667	Honors Scholarship Program	\$	1,786,500	\$	1,786,500	55189
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	55190
3L6	200-617	Federal School Lunch	\$	185,948,186	\$	191,898,528	55191
3L7	200-618	Federal School Breakfast	\$	48,227,431	\$	49,524,254	55192
3L8	200-619	Child/Adult Food Programs	\$	63,577,244	\$	65,293,830	55193
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	55194
3M0	200-623	ESEA Title 1A	\$	356,458,504	\$	384,975,184	55195
3M1	200-678	Innovative Education	\$	15,041,997	\$	16,094,937	55196
3M2	200-680	Ind W/Disab Education Act	\$	288,468,284	\$	331,392,575	55197
3S2	200-641	Education Technology	\$	19,682,057	\$	20,469,339	55198

3T4	200-613	Public Charter Schools	\$	23,287,500	\$	26,187,113	55199
3Y2	200-688	21st Century Community Learning Centers	\$	17,138,239	\$	18,500,000	55200
3Y4	200-632	Reading First	\$	29,881,256	\$	33,168,194	55201
3Y6	200-635	Improving Teacher Quality	\$	103,686,420	\$	104,100,000	55202
3Y7	200-689	English Language Acquisition	\$	4,872,334	\$	5,505,737	55203
3Z2	200-690	State Assessments	\$	11,894,315	\$	12,489,031	55204
309	200-601	Educationally Disadvantaged	\$	22,148,769	\$	22,899,001	55205
366	200-604	Adult Basic Education	\$	21,369,906	\$	22,223,820	55206
367	200-607	School Food Services	\$	10,767,759	\$	11,144,631	55207
368	200-614	Veterans' Training	\$	626,630	\$	655,587	55208
369	200-616	Career-Tech Education Federal Enhancement	\$	8,165,672	\$	8,165,672	55209
370	200-624	Education of Exceptional Children	\$	1,933,910	\$	1,933,910	55210
374	200-647	Troops to Teachers	\$	2,618,076	\$	2,622,370	55211
TOTAL FED Federal Special							55212
Revenue Fund Group			\$	1,320,564,193	\$	1,414,191,626	55213
State Special Revenue Fund Group							55214
4R7	200-695	Indirect Cost Recovery	\$	5,002,500	\$	5,250,400	55215
4V7	200-633	Interagency Support	\$	800,000	\$	800,000	55216
454	200-610	Guidance and Testing	\$	956,761	\$	956,761	55217
455	200-608	Commodity Foods	\$	11,308,000	\$	11,624,624	55218
5U2	200-685	National Education Statistics	\$	200,000	\$	200,000	55219
5W2	200-663	Head Start Plus/Head Start	\$	101,200,000	\$	103,184,000	55220
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	55221
620	200-615	Educational Grants	\$	1,000,000	\$	1,000,000	55222

TOTAL SSR State Special Revenue				55223	
Fund Group	\$	121,796,171	\$	124,344,695	55224
Lottery Profits Education Fund Group				55225	
017 200-612 Base Cost Funding	\$	606,123,500	\$	606,195,300	55226
017 200-682 Lease Rental Payment	\$	31,776,500	\$	31,704,700	55227
Reimbursement					
TOTAL LPE Lottery Profits				55228	
Education Fund Group	\$	637,900,000	\$	637,900,000	55229
Revenue Distribution Fund Group				55230	
053 200-900 School District	\$	115,911,593	\$	115,911,593	55231
Property Tax					
Replacement					
TOTAL RDF Revenue Distribution				55232	
Fund Group	\$	115,911,593	\$	115,911,593	55233
TOTAL ALL BUDGET FUND GROUPS	\$	9,081,080,445	\$	9,382,112,888	55234

Section 40.01. PERSONAL SERVICES 55236

Of the foregoing appropriation item 200-100, Personal 55237
Services, \$1,630,181 in each fiscal year shall be used by the 55238
Department of Education to provide vocational administration 55239
matching funds pursuant to 20 U.S.C. 2311. 55240

MAINTENANCE AND EQUIPMENT 55241

Of the foregoing appropriation item 200-320, Maintenance and 55242
Equipment, up to \$25,000 may be expended in each fiscal year for 55243
State Board of Education out-of-state travel. 55244

Of the foregoing appropriation item 200-320, Maintenance and 55245
Equipment, \$692,014 in each fiscal year shall be used by the 55246
Department of Education to provide vocational administration 55247
matching funds pursuant to 20 U.S.C. 2311. 55248

Section 40.02. PUBLIC PRESCHOOL 55249

The Department of Education shall distribute the foregoing 55250
appropriation item 200-408, Public Preschool, to pay the costs of 55251
comprehensive preschool programs. As used in this section, "school 55252
district" means a city, local, exempted village, or joint 55253
vocational school district, or an educational service center. 55254

(A) In each fiscal year, up to two per cent of the total 55255
appropriation may be used by the department for program support 55256
and technical assistance; developing program capacity; and 55257
assisting programs with facilities planning, construction, 55258
renovation, or lease agreements in conjunction with the Community 55259
Development Finance Fund (CDFF). The Department shall distribute 55260
the remainder of the appropriation in each fiscal year to serve 55261
children from families earning not more than 185 per cent of the 55262
federal poverty guidelines. 55263

(B) The department shall provide an annual report to the 55264
Governor, the Speaker of the House of Representatives, the 55265
President of the Senate, the State Board of Education, Head Start 55266
grantees, and other interested parties. The report shall include: 55267

(1) The number and per cent of eligible children by county 55268
and by school district; 55269

(2) The amount of state funds allocated for continuation per 55270
school district; 55271

(3) The amount of state funds received for continuation per 55272
school district; 55273

(4) A summary of program performance on the state critical 55274
performance indicators in the public preschool program; 55275

(5) A summary of developmental progress of children 55276
participating in the state-funded public preschool program; 55277

(6) Any other data reflecting the performance of public 55278
preschool programs that the department considers pertinent. 55279

(C) For purposes of this section, "eligible child" means a 55280
child who is at least three years of age, is not eligible for 55281
kindergarten, and whose family earns not more than 185 per cent of 55282
the federal poverty guidelines. 55283

(D) The department may reallocate unobligated or unspent 55284
money to participating school districts for purposes of program 55285
expansion, improvement, or special projects to promote quality and 55286
innovation. 55287

(E) Costs for developing and administering a preschool 55288
program may not exceed fifteen per cent of the total approved 55289
costs of the program. 55290

All recipients of funds shall maintain such fiscal control 55291
and accounting procedures as may be necessary to ensure the 55292
disbursement of, and accounting for, these funds. The control of 55293
funds provided in this program, and title to property obtained 55294
therefrom, shall be under the authority of the approved recipient 55295
for purposes provided in the program unless, as described in 55296
division (J) of this section, a preschool program waives its right 55297
for funding or a program's funding is eliminated or reduced due to 55298
its inability to meet financial or program performance standards. 55299
The approved recipient shall administer and use such property and 55300
funds for the purposes specified. 55301

(F) The department shall prescribe target levels for critical 55302
performance indicators for the purpose of assessing public 55303
preschool programs. On-site reviews and follow-up visits shall be 55304
based on progress in meeting the prescribed target levels. 55305

(G) The Department may examine a recipient's financial and 55306
program records. If the financial practices of the program are not 55307
in accordance with standard accounting principles or do not meet 55308
financial standards outlined under division (E) of this section, 55309
or if the program fails to substantially meet the Head Start 55310

performance standards or exhibits below average performance as 55311
measured against the performance indicators outlined in division 55312
(F) of this section, the preschool program shall propose and 55313
implement a corrective action plan that has been approved by the 55314
Department. The approved corrective action plan shall be signed by 55315
the school district board of education and the appropriate grantee 55316
official. The corrective action plan shall include a schedule for 55317
monitoring by the Department. Such monitoring may include monthly 55318
reports, inspections, a timeline for correction of deficiencies, 55319
and technical assistance to be provided by the Department or 55320
obtained by the public preschool program. The Department may 55321
withhold funding pending corrective action. If a public preschool 55322
program fails to satisfactorily complete a corrective action plan, 55323
the Department may either deny expansion funding to the program or 55324
withdraw all or part of the public preschool funding from the 55325
agency and establish a new state-funded agency through a 55326
competitive bidding process established by the Department. 55327

(H) The department shall require public preschool programs to 55328
document child progress, using research-based indicators as 55329
prescribed by the department, and report results annually. The 55330
department shall determine the dates for documenting and 55331
reporting. 55332

(I) Each school district shall develop a sliding fee scale 55333
based on family incomes in the district and shall charge families 55334
who earn more than the federal poverty guidelines for preschool. 55335

(J) If a public preschool program voluntarily waives its 55336
right for funding, or has its funding eliminated for not meeting 55337
financial standards or program performance standards, the grantee 55338
and delegate shall transfer control of title to property, 55339
equipment, and remaining supplies obtained through the program to 55340
designated grantees and return any unexpended funds to the 55341
Department along with any reports prescribed by the Department. 55342

The funding made available from a program that waives its right 55343
for funding or has its funding eliminated or reduced may be used 55344
by the Department for new grant awards or expansion grants. The 55345
Department may award new grants or expansion grants to eligible 55346
providers who apply. The eligible providers who apply must do so 55347
in accordance with the competitive bidding process established by 55348
the Department. 55349

Section 40.03. PROFESSIONAL DEVELOPMENT 55350

Of the foregoing appropriation item 200-410, Professional 55351
Development, \$5,779,625 in each fiscal year shall be used by the 55352
Department of Education to provide grants to recognize and reward 55353
teachers who became certified by the National Board for 55354
Professional Teaching Standards pursuant to section 3319.55 of the 55355
Revised Code prior to January 1, 2003. 55356

Of the foregoing appropriation item 200-410, Professional 55357
Development, up to \$7,442,358 in each fiscal year shall be 55358
allocated for entry year programs. These funds shall be used for 55359
performance assessments of beginning teachers in school districts 55360
designated as academic watch or academic emergency under section 55361
3302.03 of the Revised Code. 55362

Of the foregoing appropriation item 200-410, Professional 55363
Development, up to \$188,090 in each fiscal year shall be used to 55364
provide grants for districts to develop local 55365
knowledge/skills-based compensation systems. Each district 55366
receiving grants shall issue an annual report to the Department of 55367
Education detailing the use of the funds and the impact of the 55368
system developed by the district. 55369

Section 40.04. TECHNICAL SYSTEMS DEVELOPMENT 55370

The foregoing appropriation item 200-420, Technical Systems 55371
Development, shall be used to support the development and 55372

implementation of information technology solutions designed to 55373
improve the performance and customer service of the Department of 55374
Education. Funds may be used for personnel, maintenance, and 55375
equipment costs related to the development and implementation of 55376
these technical system projects. Implementation of these systems 55377
shall allow the Department to provide greater levels of assistance 55378
to school districts and to provide more timely information to the 55379
public, including school districts, administrators, and 55380
legislators. 55381

ALTERNATIVE EDUCATION PROGRAMS 55382

There is hereby created the Alternative Education Advisory 55383
Council, which shall consist of one representative from each of 55384
the following agencies: the Ohio Department of Education; the 55385
Department of Youth Services; the Ohio Department of Alcohol and 55386
Drug Addiction Services; the Department of Mental Health; the 55387
Office of the Governor or, at the Governor's discretion, the 55388
Office of the Lieutenant Governor; the Office of the Attorney 55389
General; and the Office of the Auditor of State. 55390

Of the foregoing appropriation item 200-421, Alternative 55391
Education Programs, not less than \$7,897,500 in each fiscal year 55392
shall be used for the renewal of successful implementation grants 55393
and for competitive matching grants to the 21 urban school 55394
districts as defined in division (O) of section 3317.02 of the 55395
Revised Code as it existed prior to July 1, 1998, and not less 55396
than \$7,863,047 in each fiscal year shall be used for the renewal 55397
of successful implementation of grants and for competitive 55398
matching grants to rural and suburban school districts for 55399
alternative educational programs for existing and new at-risk and 55400
delinquent youth. Programs shall be focused on youth in one or 55401
more of the following categories: those who have been expelled or 55402
suspended, those who have dropped out of school or who are at risk 55403
of dropping out of school, those who are habitually truant or 55404

disruptive, or those on probation or on parole from a Department 55405
of Youth Services facility. Grants shall be awarded according to 55406
the criteria established by the Alternative Education Advisory 55407
Council in 1999. Grants shall be awarded only to programs where 55408
the grant would not serve as the program's primary source of 55409
funding. These grants shall be administered by the Department of 55410
Education. 55411

The Department of Education may waive compliance with any 55412
minimum education standard established under section 3301.07 of 55413
the Revised Code for any alternative school that receives a grant 55414
under this section on the grounds that the waiver will enable the 55415
program to more effectively educate students enrolled in the 55416
alternative school. 55417

SCHOOL MANAGEMENT ASSISTANCE 55418

Of the foregoing appropriation item 200-422, School 55419
Management Assistance, \$351,000 in each fiscal year shall be used 55420
by the Auditor of State for expenses incurred in the Auditor of 55421
State's role relating to fiscal caution activities as defined in 55422
Chapter 3316. of the Revised Code. Expenses include duties related 55423
to the completion of performance audits for school districts that 55424
the Superintendent of Public Instruction determines are employing 55425
fiscal practices or experiencing budgetary conditions that could 55426
produce a state of fiscal watch or fiscal emergency. 55427

The remainder of foregoing appropriation item 200-422, School 55428
Management Assistance, shall be used by the Department of 55429
Education to provide fiscal technical assistance and inservice 55430
education for school district management personnel and to 55431
administer, monitor, and implement the fiscal watch and fiscal 55432
emergency provisions under Chapter 3316. of the Revised Code. 55433

POLICY ANALYSIS 55434

The foregoing appropriation item 200-424, Policy Analysis, 55435

shall be used by the Department of Education to support a system 55436
of administrative, statistical, and legislative education 55437
information to be used for policy analysis. Staff supported by 55438
this appropriation shall administer the development of reports, 55439
analyses, and briefings to inform education policymakers of 55440
current trends in education practice, efficient and effective use 55441
of resources, and evaluation of programs to improve education 55442
results. The database shall be kept current at all times. These 55443
research efforts shall be used to supply information and analysis 55444
of data to the General Assembly and other state policymakers, 55445
including the Office of Budget and Management and the Legislative 55446
Service Commission. 55447

The Department of Education may use funding from this 55448
appropriation item to purchase or contract for the development of 55449
software systems or contract for policy studies that will assist 55450
in the provision and analysis of policy-related information. 55451
Funding from this appropriation item also may be used to monitor 55452
and enhance quality assurance for research-based policy analysis 55453
and program evaluation to enhance the effective use of education 55454
information to inform education policymakers. 55455

TECH PREP CONSORTIA SUPPORT 55456

The foregoing appropriation item 200-425, Tech Prep Consortia 55457
Support, shall be used by the Department of Education to support 55458
state-level activities designed to support, promote, and expand 55459
tech prep programs. Use of these funds shall include, but not be 55460
limited to, administration of grants, program evaluation, 55461
professional development, curriculum development, assessment 55462
development, program promotion, communications, and statewide 55463
coordination of tech prep consortia. 55464

OHIO EDUCATIONAL COMPUTER NETWORK 55465

The foregoing appropriation item 200-426, Ohio Educational 55466

Computer Network, shall be used by the Department of Education to 55467
maintain a system of information technology throughout Ohio and to 55468
provide technical assistance for such a system in support of the 55469
State Education Technology Plan pursuant to section 3301.07 of the 55470
Revised Code. 55471

Of the foregoing appropriation item 200-426, Ohio Educational 55472
Computer Network, up to \$18,592,763 in each fiscal year shall be 55473
used by the Department of Education to support connection of all 55474
public school buildings to the state's education network, to each 55475
other, and to the Internet. In each fiscal year the Department of 55476
Education shall use these funds to assist data acquisition sites 55477
or school districts with the operational costs associated with 55478
this connectivity. The Department of Education shall develop a 55479
formula and guidelines for the distribution of these funds to the 55480
data acquisition sites or individual school districts. As used in 55481
this section, "public school building" means a school building of 55482
any city, local, exempted village, or joint vocational school 55483
district, or any community school established under Chapter 3314. 55484
of the Revised Code, or any educational service center building 55485
used for instructional purposes, or the Ohio School for the Deaf 55486
and the Ohio School for the Blind, or high schools chartered by 55487
the Ohio Department of Youth Services and high schools operated by 55488
Ohio Department of Rehabilitation and Corrections' Ohio Central 55489
School System. 55490

Of the foregoing appropriation item 200-426, Ohio Educational 55491
Computer Network, up to \$1,884,355 in each fiscal year shall be 55492
used for the Union Catalog and InfoOhio Network. 55493

The Department of Education shall use \$3,412,500 in each 55494
fiscal year to assist designated data acquisition sites with 55495
operational costs associated with the increased use of the state's 55496
education network by chartered nonpublic schools. The Department 55497
of Education shall divide the \$3,412,500 by the number of eligible 55498

chartered nonpublic schools that meet the OneNet Planning 55499
Commission's connectivity standard of a minimum of 1.5 Mb/s (T-1) 55500
connection. This calculation shall be made in the fall of every 55501
school year and the funds shall be distributed to designated data 55502
acquisition sites no later than the first day of November of every 55503
school year that the General Assembly appropriates funds for the 55504
program. 55505

The remainder of appropriation item 200-426, Ohio Educational 55506
Computer Network, shall be used to support development, 55507
maintenance, and operation of a network of uniform and compatible 55508
computer-based information and instructional systems. The 55509
technical assistance shall include, but not be restricted to, 55510
development and maintenance of adequate computer software systems 55511
to support network activities. Program funds may be used, through 55512
a formula and guidelines devised by the department, to subsidize 55513
the activities of designated data acquisition sites, as defined by 55514
State Board of Education rules, to provide school districts and 55515
chartered nonpublic schools with computer-based student and 55516
teacher instructional and administrative information services, 55517
including approved computerized financial accounting, and to 55518
ensure the effective operation of local automated administrative 55519
and instructional systems. To broaden the scope of the use of 55520
technology for education, the Department may use up to \$223,762 in 55521
each fiscal year to coordinate the activities of the computer 55522
network with other agencies funded by the department or the state. 55523
In order to improve the efficiency of network activities, the 55524
department and data acquisition sites may jointly purchase 55525
equipment, materials, and services from funds provided under this 55526
appropriation for use by the network and, when considered 55527
practical by the department, may utilize the services of 55528
appropriate state purchasing agencies. 55529

ACADEMIC STANDARDS 55530

Of the foregoing appropriation item 200-427, Academic Standards, up to \$731,250 in each fiscal year shall be used to provide funds to school districts that have one or more teachers participating in the teachers-on-loan program.

The remainder of appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models. The Department of Education shall communicate these standards and curricula to school districts through Internet website postings and electronic mail.

Section 40.05. SCHOOL IMPROVEMENT INITIATIVES

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$10,505,625 in each fiscal year 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 and to provide technical assistance to school buildings not meeting new federal accountability measures.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$250,000 in each fiscal year shall be used to reduce the dropout rate by addressing the academic and social problems of inner-city students through Project GRAD.

READING/WRITING IMPROVEMENT

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$12,675,000 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, \$500,000 in fiscal year 2004 shall be used to

continue the Waterford Early Reading Program. 55561

The remainder of appropriation item 200-433, Reading/Writing Improvement, shall be used to support standards-based classroom reading and writing instruction and reading intervention and the design/development of standards-based literacy curriculum materials; to support literacy professional development partnerships between the Department of Education, higher education institutions, the literacy specialists project, the Ohio principals' literacy network, regional literacy teams, literacy networks, and school districts. 55562
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STUDENT ASSESSMENT 55571

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. 55572
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ACCOUNTABILITY/REPORT CARDS 55577

The foregoing appropriation item 200-439, Accountability/Report Cards, shall be used for the development and distribution of school report cards pursuant to section 3302.03 of the Revised Code. 55578
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AMERICAN SIGN LANGUAGE 55582

Of the foregoing appropriation item 200-441, American Sign Language, up to \$136,943 in each fiscal year shall be used to implement pilot projects for the integration of American Sign Language deaf language into the kindergarten through twelfth-grade curriculum. 55583
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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 children who are deaf 55588
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or hard of hearing, in integrating American Sign Language as a 55591
foreign language, and in obtaining interpreters and improving 55592
their skills. 55593

CHILD CARE LICENSING 55594

The foregoing appropriation item 200-442, Child Care 55595
Licensing, shall be used by the Department of Education to license 55596
and to inspect preschool and school-age child care programs in 55597
accordance with sections 3301.52 to 3301.59 of the Revised Code. 55598

OHIOREADS ADMIN/VOLUNTEER SUPPORT 55599

The foregoing appropriation item 200-445, OhioReads 55600
Admin/Volunteer Support, may be allocated by the OhioReads Office 55601
in the Department of Education at the direction of the OhioReads 55602
Council for volunteer coordinators in public school buildings, to 55603
educational service centers for costs associated with volunteer 55604
coordination, for background checks for volunteers, to evaluate 55605
the OhioReads Program, and for operating expenses associated with 55606
administering the program. 55607

Section 40.06. EDUCATION MANAGEMENT INFORMATION SYSTEM 55608

The foregoing appropriation item 200-446, Education 55609
Management Information System, shall be used by the Department of 55610
Education to improve the Education Management Information System 55611
(EMIS). 55612

Of the foregoing appropriation item 200-446, Education 55613
Management Information System, up to \$1,295,857 in each fiscal 55614
year shall be distributed to designated data acquisition sites for 55615
costs relating to processing, storing, and transferring data for 55616
the effective operation of the EMIS. These costs may include, but 55617
are not limited to, personnel, hardware, software development, 55618
communications connectivity, professional development, and support 55619
services, and to provide services to participate in the State 55620

Education Technology Plan pursuant to section 3301.07 of the Revised Code. 55621
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Of the foregoing appropriation item 200-446, Education Management Information System, up to \$8,055,189 in each fiscal year shall be distributed on a per-pupil basis to school districts, community schools established under Chapter 3314. of the Revised Code, education service centers, joint vocational school districts, and any other education entity that reports data through EMIS. 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 in each fiscal year. 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 in each fiscal year. This subsidy shall be used for costs relating to reporting, processing, storing, transferring, and exchanging data necessary to meet requirements of the Department of Education's data system. 55623
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GED TESTING/ADULT HIGH SCHOOL 55641

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 55642
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section 3313.64 of the Revised Code, but who are enrolled in 55653
chartered, nonpublic schools. The services shall be provided in 55654
the public school, in nonpublic schools, in public centers, or in 55655
mobile units located on or off the nonpublic school premises. No 55656
school district shall provide summer instructional or intervention 55657
services to nonpublic school students as authorized by this 55658
section unless such services are available to students attending 55659
the public schools within the district. No school district shall 55660
provide services for use in religious courses, devotional 55661
exercises, religious training, or any other religious activity. 55662
Chartered, nonpublic schools shall pay for any unreimbursed costs 55663
incurred by school districts for providing summer instruction or 55664
intervention services to students enrolled in chartered, nonpublic 55665
schools. School districts may provide these services to students 55666
directly or contract with postsecondary or nonprofit 55667
community-based institutions in providing instruction. The 55668
appropriation also shall be used for state reimbursement to school 55669
districts for adult high school continuing education programs 55670
pursuant to section 3313.531 of the Revised Code or for costs 55671
associated with awarding adult high school diplomas under section 55672
3313.611 of the Revised Code. 55673

EDUCATOR PREPARATION 55674

The foregoing appropriation item 200-448, Educator 55675
Preparation, shall be used by the Ohio Teacher Education and 55676
Certification Commission to carry out the responsibilities of the 55677
21-member Ohio Teacher Education and Certification Advisory 55678
Commission. The advisory commission is charged by the State Board 55679
of Education with considering all matters related to educator 55680
preparation and licensure, including standards for educator 55681
preparation and licensure, approval of institutions and programs, 55682
and recommending decisions to the State Board of Education. 55683

TEACHING SUCCESS COMMISSION INITIATIVES 55684

The foregoing appropriation item 200-452, Teaching Success Commission Initiatives, shall be used by the Department of Education to support initiatives recommended by the Governor's Commission on Teaching Success.

COMMUNITY SCHOOLS

Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

Of the foregoing appropriation item 200-455, Community Schools, up to \$250,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing such training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

The remaining appropriation may be used by the Department of Education 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 may make a grant of not 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 shall not utilize moneys received under this section for any other purpose other than those specified under this section.

A community school awarded start-up grants from appropriation

item 200-613, Public Charter Schools (Fund 3T4), shall not be 55716
eligible for grants under this section. 55717

Section 40.07. SCHOOL FINANCE EQUITY 55718

The foregoing appropriation item 200-500, School Finance 55719
Equity, shall be distributed to school districts based on the 55720
formula specified in section 3317.0213 of the Revised Code. 55721

Section 40.08. BASE COST FUNDING 55722

The foregoing appropriation item 200-501, Base Cost Funding, 55723
includes \$90,000,000 in each fiscal year for the state education 55724
aid offset due to the change in public utility valuation as a 55725
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 55726
General Assembly. This amount represents the total state education 55727
aid offset due to the valuation change for school districts and 55728
joint vocational school districts from all relevant appropriation 55729
line item sources. If it is determined that the state education 55730
aid offset is more than \$90,000,000, the Controlling Board may 55731
increase the appropriation for appropriation item 200-501, Base 55732
Cost Funding, by the difference amount if presented with such a 55733
request from the Department of Education. The appropriation 55734
increase, if any, is hereby appropriated. If it is determined that 55735
the state education aid offset is less than \$90,000,000, the 55736
Director of Budget and Management shall then reduce the 55737
appropriation for appropriation item 200-501, Base Cost Funding, 55738
by the difference amount and notify the Controlling Board of this 55739
action. The appropriation decrease determined by the Director of 55740
Budget and Management, if any, is hereby approved, and 55741
appropriations are hereby reduced by the amount determined. 55742

Of the foregoing appropriation item 200-501, Base Cost 55743
Funding, up to \$425,000 shall be expended in each fiscal year for 55744
court payments pursuant to section 2151.357 of the Revised Code; 55745

an amount shall be available in each fiscal year to fund up to 225 55746
full-time equivalent approved GRADS teacher grants pursuant to 55747
division (R) of section 3317.024 of the Revised Code; an amount 55748
shall be available in each fiscal year to make payments to school 55749
districts pursuant to division (A)(2) of section 3317.022 of the 55750
Revised Code; an amount shall be available in each fiscal year to 55751
make payments to school districts pursuant to division (F) of 55752
section 3317.022 of the Revised Code; an amount shall be available 55753
in each fiscal year to make payments to school districts pursuant 55754
to division (C) of section 3317.0212 of the Revised Code; and up 55755
to \$15,000,000 in each fiscal year shall be reserved for payments 55756
pursuant to sections 3317.026, 3317.027, and 3317.028 of the 55757
Revised Code except that the Controlling Board may increase the 55758
\$15,000,000 amount if presented with such a request from the 55759
Department of Education. Of the foregoing appropriation item 55760
200-501, Base Cost Funding, up to \$15,000,000 in each fiscal year 55761
shall be used to provide additional state aid to school districts 55762
for special education students pursuant to division (C)(3) of 55763
section 3317.022 of the Revised Code; up to \$2,000,000 in each 55764
fiscal year shall be reserved for Youth Services tuition payments 55765
pursuant to section 3317.024 of the Revised Code; and up to 55766
\$52,000,000 in each fiscal year shall be reserved to fund the 55767
state reimbursement of educational service centers pursuant to 55768
section 3317.11 of the Revised Code. Up to \$342,000,000 in fiscal 55769
year 2004 and up to \$347,000,000 in fiscal year 2005 shall be 55770
available for special education weighted funding pursuant to 55771
division (C)(1) of section 3317.022 and division (D)(1) of section 55772
3317.16 of the Revised Code. 55773

Of the foregoing appropriation item 200-501, Base Cost 55774
Funding, up to \$10,000,000 in fiscal year 2004 and up to 55775
\$15,000,000 in fiscal year 2005 shall be used by the Department of 55776
Education for the Enhanced Urban Attendance Improvement Initiative 55777
in Big Eight districts as defined in section 3314.02 of the 55778

Revised Code. Funds shall be distributed pursuant to the section 55779
of this act entitled "THE ENHANCED URBAN ATTENDANCE IMPROVEMENT 55780
INITIATIVE." 55781

Of the foregoing appropriation item 200-501, Base Cost 55782
Funding, an amount shall be available in each fiscal year to be 55783
used by the Department of Education for transitional aid for 55784
school districts. Funds shall be distributed pursuant to the 55785
section of this act entitled "TRANSITIONAL AID FOR FISCAL YEAR 55786
2004 AND FISCAL YEAR 2005." 55787

Of the foregoing appropriation item 200-501, Base Cost 55788
Funding, up to \$1,000,000 in each fiscal year shall be used by the 55789
Department of Education for a pilot program to pay for educational 55790
services for youth who have been assigned by a juvenile court or 55791
other authorized agency to any of the facilities described in 55792
division (A) of the section titled "Private Treatment Facility 55793
Pilot Project." 55794

The remaining portion of appropriation item 200-501, Base 55795
Cost Funding, shall be expended for the public schools of city, 55796
local, exempted village, and joint vocational school districts, 55797
including base cost funding, special education speech service 55798
enhancement funding, career-technical education weight funding, 55799
career-technical education associated service funding, guarantee 55800
funding, and teacher training and experience funding pursuant to 55801
sections 3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised 55802
Code. 55803

Appropriation items 200-500, School Finance Equity, 200-501, 55804
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 55805
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 55806
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 55807
than specific set-asides, are collectively used in fiscal year 55808
2004 to pay state formula aid obligations for school districts and 55809
joint vocational school districts pursuant to Chapter 3317. of the 55810

Revised Code. The first priority of these appropriation items, 55811
with the exception of specific set-asides, is to fund state 55812
formula aid obligations under Chapter 3317. of the Revised Code. 55813
It may be necessary to reallocate funds among these appropriation 55814
items in order to meet state formula aid obligations. If it is 55815
determined that it is necessary to transfer funds among these 55816
appropriation items to meet state formula aid obligations, the 55817
Department of Education shall seek approval from the Controlling 55818
Board to transfer funds among these appropriation items. 55819

Section 40.09. PUPIL TRANSPORTATION 55820

Of the foregoing appropriation item 200-502, Pupil 55821
Transportation, up to \$822,400 in each fiscal year may be used by 55822
the Department of Education for training prospective and 55823
experienced school bus drivers in accordance with training 55824
programs prescribed by the Department. Up to \$56,975,910 in each 55825
fiscal year may be used by the Department of Education for special 55826
education transportation reimbursements to school districts and 55827
county MR/DD boards for transportation operating costs as provided 55828
in division (M) of section 3317.024 of the Revised Code. The 55829
remainder of appropriation item 200-502, Pupil Transportation, 55830
shall be used for the state reimbursement of public school 55831
districts' costs in transporting pupils to and from the school 55832
they attend in accordance with the district's policy, State Board 55833
of Education standards, and the Revised Code. 55834

BUS PURCHASE ALLOWANCE 55835

The foregoing appropriation item 200-503, Bus Purchase 55836
Allowance, shall be distributed to school districts, educational 55837
service centers, and county MR/DD boards pursuant to rules adopted 55838
under section 3317.07 of the Revised Code. Up to 28 per cent of 55839
the amount appropriated may be used to reimburse school districts 55840
and educational service centers for the purchase of buses to 55841

transport handicapped and nonpublic school students and to county 55842
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 55843
for the Blind for the purchase of buses to transport handicapped 55844
students. 55845

SCHOOL LUNCH MATCH 55846

The foregoing appropriation item 200-505, School Lunch Match, 55847
shall be used to provide matching funds to obtain federal funds 55848
for the school lunch program. 55849

Section 40.10. ADULT LITERACY EDUCATION 55850

The foregoing appropriation item 200-509, Adult Literacy 55851
Education, shall be used to support adult basic and literacy 55852
education instructional programs and the State Literacy Resource 55853
Center Program. 55854

Of the foregoing appropriation item 200-509, Adult Literacy 55855
Education, up to \$519,188 in each fiscal year shall be used for 55856
the support and operation of the State Literacy Resource Center. 55857

Of the foregoing appropriation item 200-509, Adult Literacy 55858
Education, \$146,250 in each fiscal year shall be used to support 55859
initiatives for English as a second language programs in 55860
combination with citizenship. Funding shall be provided to 55861
organizations that received such funds during fiscal year 2003 55862
from appropriation item 200-570, School Improvement Incentive 55863
Grants. 55864

The remainder of the appropriation shall be used to continue 55865
to satisfy the state match and maintenance of effort requirements 55866
for the support and operation of the Department of 55867
Education-administered instructional grant program for adult basic 55868
and literacy education in accordance with the department's state 55869
plan for adult basic and literacy education as approved by the 55870
State Board of Education and the Secretary of the United States 55871

Department of Education.	55872
AUXILIARY SERVICES	55873
The foregoing appropriation item 200-511, Auxiliary Services,	55874
shall be used by the Department of Education for the purpose of	55875
implementing section 3317.06 of the Revised Code. Of the	55876
appropriation, up to \$1,462,500 in each fiscal year may be used	55877
for payment of the Post-Secondary Enrollment Options Program for	55878
nonpublic students pursuant to section 3365.10 of the Revised	55879
Code.	55880
STUDENT INTERVENTION SERVICES	55881
The foregoing appropriation item 200-513, Student	55882
Intervention Services, shall be used to assist districts providing	55883
the intervention services specified in section 3313.608 of the	55884
Revised Code. The Department of Education shall establish	55885
guidelines for the use and distribution of these moneys. School	55886
districts receiving funds from this appropriation shall report to	55887
the Department of Education on how funds were used.	55888
DISADVANTAGED PUPIL IMPACT AID	55889
Notwithstanding the distribution formula outlined in section	55890
3317.029 of the Revised Code, each school district shall receive	55891
an additional two per cent in Disadvantaged Pupil Impact Aid	55892
(DPIA) funding in fiscal year 2004 over what was received in	55893
fiscal year 2003 unless the district receives DPIA funding from	55894
the DPIA guarantee provision pursuant to division (B) of section	55895
3317.029 of the Revised Code. For such a district, its DPIA	55896
funding in fiscal year 2004 shall equal the amount of DPIA funding	55897
the district received in fiscal year 2003.	55898
Notwithstanding the distribution formula outlined in section	55899
3317.029 of the Revised Code, each school district shall receive	55900
an additional two per cent in DPIA funding in fiscal year 2005	55901
over what was received in fiscal year 2004 unless the district	55902

receives DPIA funding from the DPIA guarantee provision pursuant 55903
to division (B) of section 3317.029 of the Revised Code. For such 55904
a district, its DPIA funding in fiscal year 2005 shall equal the 55905
amount of DPIA funding the district received in fiscal year 2004. 55906

School districts must continue to comply with all expenditure 55907
guidelines and restrictions outlined in divisions (F), (G), (I), 55908
and (K) of section 3317.029 of the Revised Code by assuming a two 55909
per cent increase in funds for each program outlined in divisions 55910
(C), (D), and (E) of section 3317.029 of the Revised Code and by 55911
assuming a DPIA index equivalent to the index calculated in fiscal 55912
year 2003. 55913

The Department of Education shall pay all-day, everyday 55914
kindergarten funding to all school districts in each fiscal year 55915
that qualified for and provided the service in fiscal year 2003 55916
pursuant to section 3317.029 of the Revised Code. School districts 55917
and community schools that did not have a DPIA allocation in 55918
fiscal year 2003 shall not receive an allocation in fiscal year 55919
2004 or fiscal year 2005. 55920

Of the foregoing appropriation item 200-520, Disadvantaged 55921
Pupil Impact Aid, up to \$3,300,000 in each fiscal year shall be 55922
used for school breakfast programs. Of this amount, up to \$500,000 55923
shall be used in each fiscal year by the Department of Education 55924
to provide start-up grants to school districts that start school 55925
breakfast programs. The remainder of the appropriation shall be 55926
used to: (1) partially reimburse school buildings within school 55927
districts that are required to have a school breakfast program 55928
pursuant to section 3313.813 of the Revised Code, at a rate 55929
decided by the Department, for each breakfast served to any pupil 55930
enrolled in the district; (2) partially reimburse districts 55931
participating in the National School Lunch Program that have at 55932
least 20 per cent of students who are eligible for free and 55933
reduced meals according to federal standards, at a rate decided by 55934

the Department; and (3) to partially reimburse districts 55935
participating in the National School Lunch Program for breakfast 55936
served to children eligible for free and reduced meals enrolled in 55937
the district, at a rate decided by the Department. 55938

Of the portion of the funds distributed to the Cleveland 55939
Municipal School District under this section, up to \$11,901,887 in 55940
each fiscal year shall be used to operate the school choice 55941
program in the Cleveland Municipal School District pursuant to 55942
sections 3313.974 to 3313.979 of the Revised Code. 55943

Section 40.11. GIFTED PUPIL PROGRAM 55944

The foregoing appropriation item 200-521, Gifted Pupil 55945
Program, shall be used for gifted education units not to exceed 55946
1,110 in each fiscal year pursuant to division (P) of section 55947
3317.024 and division (F) of section 3317.05 of the Revised Code. 55948

Of the foregoing appropriation item 200-521, Gifted Pupil 55949
Program, up to \$5,000,000 each in fiscal year may be used as an 55950
additional supplement for identifying gifted students pursuant to 55951
Chapter 3324. of the Revised Code. 55952

Of the foregoing appropriation item 200-521, Gifted Pupil 55953
Program, the Department of Education may expend up to \$1,000,000 55954
in each fiscal year for the Summer Honors Institute for gifted 55955
freshman and sophomore high school students. Up to \$600,000 in 55956
each fiscal year shall be used for research and demonstration 55957
projects. The Department of Education shall research and evaluate 55958
the effectiveness of gifted education programs in Ohio. Up to 55959
\$70,000 in each fiscal year shall be used for the Ohio Summer 55960
School for the Gifted (Martin Essex Program). 55961

Section 40.12. PARITY AID 55962

The foregoing appropriation item 200-525, Parity Aid, shall 55963
be distributed to school districts based on the formulas specified 55964

in section 3317.0217 of the Revised Code. 55965

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 55966

The foregoing appropriation item 200-532, Nonpublic 55967
Administrative Cost Reimbursement, shall be used by the Department 55968
of Education for the purpose of implementing section 3317.063 of 55969
the Revised Code. 55970

Section 40.13. SPECIAL EDUCATION ENHANCEMENTS 55971

Of the foregoing appropriation item 200-540, Special 55972
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 55973
up to \$45,441,712 in fiscal year 2005 shall be used to fund 55974
special education and related services at county boards of mental 55975
retardation and developmental disabilities for eligible students 55976
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 55977
be used in each fiscal year to fund special education classroom 55978
and related services units at institutions. 55979

Of the foregoing appropriation item 200-540, Special 55980
Education Enhancements, up to \$2,906,875 in each fiscal year shall 55981
be used for home instruction for children with disabilities; up to 55982
\$1,462,500 in each fiscal year shall be used for parent mentoring 55983
programs; and up to \$2,783,396 in each fiscal year may be used for 55984
school psychology interns. 55985

Of the foregoing appropriation item 200-540, Special 55986
Education Enhancements, \$3,406,090 in each fiscal year shall be 55987
used by the Department of Education to assist school districts in 55988
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 55989
3301-51-04 of the Administrative Code. 55990

Of the foregoing appropriation item 200-540, Special 55991
Education Enhancements, \$78,399,498 in each fiscal year shall be 55992
distributed by the Department of Education to county boards of 55993
mental retardation and developmental disabilities, educational 55994

service centers, and school districts for preschool special 55995
education units and preschool supervisory units in accordance with 55996
section 3317.161 of the Revised Code. The department may reimburse 55997
county boards of mental retardation and developmental 55998
disabilities, educational service centers, and school districts 55999
for related services as defined in rule 3301-31-05 of the 56000
Administrative Code, for preschool occupational and physical 56001
therapy services provided by a physical therapy assistant and 56002
certified occupational therapy assistant, and for an instructional 56003
assistant. To the greatest extent possible, the Department of 56004
Education shall allocate these units to school districts and 56005
educational service centers. The Controlling Board may approve the 56006
transfer of unallocated funds from appropriation item 200-501, 56007
Base Cost Funding, to appropriation item 200-540, Special 56008
Education Enhancements, to fully fund existing units as necessary 56009
or to fully fund additional units. The Controlling Board may 56010
approve the transfer of unallocated funds from appropriation item 56011
200-540, Special Education Enhancements, to appropriation item 56012
200-501, Base Cost Funding, to fully fund the special education 56013
weight cost funding. 56014

The Department of Education shall require school districts, 56015
educational service centers, and county MR/DD boards serving 56016
preschool children with disabilities to document child progress 56017
using research-based indicators prescribed by the Department and 56018
report results annually. The reporting dates and methodology shall 56019
be determined by the Department. 56020

Section 40.14. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 56021

Of the foregoing appropriation item 200-545, Career-Technical 56022
Education Enhancements, up to \$2,576,107 in each fiscal year shall 56023
be used to fund career-technical education units at institutions. 56024

Of the foregoing appropriation item 200-545, Career-Technical 56025

Education Enhancements, up to \$2,925,000 in each fiscal year shall 56026
be used by the Department of Education to fund competitive grants 56027
to tech prep consortia that expand the number of students enrolled 56028
in tech prep programs. These grant funds shall be used to directly 56029
support expanded tech prep programs, including equipment, provided 56030
to students enrolled in school districts, including joint 56031
vocational school districts, and affiliated higher education 56032
institutions. 56033

If federal funds for career-technical education cannot be 56034
used for local school district leadership without being matched by 56035
state funds, then an amount as determined by the Superintendent of 56036
Public Instruction shall be made available from state funds 56037
appropriated for career-technical education. If any state funds 56038
are used for this purpose, federal funds in an equal amount shall 56039
be distributed for career-technical education in accordance with 56040
authorization of the state plan for career-technical education for 56041
Ohio as approved by the Secretary of the United States Department 56042
of Education. 56043

Of the foregoing appropriation item 200-545, Career-Technical 56044
Education Enhancements, \$1,462,500 in each fiscal year shall be 56045
used to provide an amount to each eligible school district for the 56046
replacement or updating of equipment essential for the instruction 56047
of students in job skills taught as part of a career-technical 56048
program or programs approved for such instruction by the State 56049
Board of Education. School districts replacing or updating 56050
career-technical education equipment may purchase or lease such 56051
equipment. The Department of Education shall review and approve 56052
all equipment requests and may allot appropriated funds to 56053
eligible school districts on the basis of the number of full-time 56054
equivalent workforce development teachers in all eligible 56055
districts making application for funds. 56056

The State Board of Education may adopt standards of need for 56057

equipment allocation. Pursuant to the adoption of any such 56058
standards of need by the State Board of Education, appropriated 56059
funds may be allotted to eligible districts according to such 56060
standards. Equipment funds allotted under either process shall be 56061
provided to a school district on a 30, 40, or 50 per cent of cost 56062
on the basis of a district career-technical priority index rating 56063
developed by the Department of Education for all districts. The 56064
career-technical priority index shall give preference to districts 56065
with a large percentage of disadvantaged students and shall 56066
include other socio-economic factors as determined by the State 56067
Board of Education. 56068

Of the foregoing appropriation item 200-545, Career-Technical 56069
Education Enhancements, up to \$2,400,000 in each fiscal year shall 56070
be used by the Department of Education to support existing High 56071
Schools That Work (HSTW) sites, develop and support new sites, 56072
fund technical assistance, and support regional centers and middle 56073
school programs. The purpose of HSTW is to combine challenging 56074
academic courses and modern career-technical studies to raise the 56075
academic achievement of students. It provides intensive technical 56076
assistance, focused staff development, targeted assessment 56077
services, and ongoing communications and networking opportunities. 56078

Of the foregoing appropriation item 200-545, Career-Technical 56079
Education Enhancements, \$2,400,000 in each fiscal year shall be 56080
used for K-12 career development. 56081

Of the foregoing appropriation item 200-545, Career-Technical 56082
Education Enhancements, up to \$496,800 in each fiscal year shall 56083
be allocated for the Ohio Career Information System (OCIS) and 56084
used for the dissemination of career information data to public 56085
schools, libraries, rehabilitation centers, two- and four-year 56086
colleges and universities, and other governmental units. 56087

Section 40.15. CHARGE-OFF SUPPLEMENT 56088

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.

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 40.16. OHIOREADS GRANTS

The foregoing appropriation item 200-566, OhioReads Grants, shall be disbursed by the OhioReads Office in the Department of Education at the direction of the OhioReads Council to provide grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through fourth grade students to support local reading literacy initiatives including reading programs, materials, professional development, tutoring, tutor recruitment and training, and parental involvement.

Grants awarded by the OhioReads Council are intended to improve reading outcomes, especially on reading proficiency tests.

SAFE AND SUPPORTIVE SCHOOLS

Of the foregoing appropriation item 200-578, Safe and Supportive Schools, up to \$224,250 in each fiscal year shall be used to fund a safe school center to provide resources for parents and for school and law enforcement personnel.

Of the foregoing appropriation item 200-578, Safe and

Supportive Schools, up to \$20,000 in each fiscal year may be used 56119
by schools for the Eddie Eagle Gun Safety Pilot Program. School 56120
districts wishing to participate in the pilot program shall apply 56121
to the Department of Education under guidelines established by the 56122
Superintendent of Public Instruction. 56123

The remainder of the appropriation shall be distributed based 56124
on guidelines developed by the Department of Education to enhance 56125
school safety. The guidelines shall provide a list of 56126
research-based best practices and programs from which local 56127
grantees shall select based on local needs. These practices shall 56128
include, but not be limited to, school resource officers and safe 56129
and drug free school coordinators, a safe school help line, and 56130
social-emotional development programs. 56131

Section 40.17. PROPERTY TAX ALLOCATION - EDUCATION 56132

The Superintendent of Public Instruction shall not request, 56133
and the Controlling Board shall not approve, the transfer of funds 56134
from appropriation item 200-901, Property Tax Allocation - 56135
Education, to any other appropriation item. 56136

The appropriation item 200-901, Property Tax Allocation - 56137
Education, is appropriated to pay for the state's costs incurred 56138
due to the homestead exemption and the property tax rollback. In 56139
cooperation with the Department of Taxation, the Department of 56140
Education shall distribute these funds directly to the appropriate 56141
school districts of the state, notwithstanding sections 321.24 and 56142
323.156 of the Revised Code, which provide for payment of the 56143
homestead exemption and property tax rollback by the Tax 56144
Commissioner to the appropriate county treasurer and the 56145
subsequent redistribution of these funds to the appropriate local 56146
taxing districts by the county auditor. 56147

Appropriation item 200-906, Tangible Tax Exemption - 56148
Education, is appropriated to pay for the state's costs incurred 56149

due to the tangible personal property tax exemption required by 56150
division (C)(3) of section 5709.01 of the Revised Code. In 56151
cooperation with the Department of Taxation, the Department of 56152
Education shall distribute to each county treasurer the total 56153
amount certified by the county treasurer pursuant to section 56154
319.311 of the Revised Code, for all school districts located in 56155
the county, notwithstanding the provision in section 319.311 of 56156
the Revised Code which provides for payment of the \$10,000 56157
tangible personal property tax exemption by the Tax Commissioner 56158
to the appropriate county treasurer for all local taxing districts 56159
located in the county. Pursuant to division (G) of section 321.24 56160
of the Revised Code, the county auditor shall distribute the 56161
amount paid by the Department of Education among the appropriate 56162
school districts. 56163

Upon receipt of these amounts, each school district shall 56164
distribute the amount among the proper funds as if it had been 56165
paid as real or tangible personal property taxes. Payments for the 56166
costs of administration shall continue to be paid to the county 56167
treasurer and county auditor as provided for in sections 319.54, 56168
321.26, and 323.156 of the Revised Code. 56169

Any sums, in addition to the amounts specifically 56170
appropriated in appropriation items 200-901, Property Tax 56171
Allocation - Education, for the homestead exemption and the 56172
property tax rollback payments, and 200-906, Tangible Tax 56173
Exemption - Education, for the \$10,000 tangible personal property 56174
tax exemption payments, which are determined to be necessary for 56175
these purposes, are hereby appropriated. 56176

Section 40.18. TEACHER CERTIFICATION AND LICENSURE 56177

The foregoing appropriation item 200-681, Teacher 56178
Certification and Licensure, shall be used by the Department of 56179
Education in each year of the biennium to administer teacher 56180

certification and licensure functions pursuant to sections 56181
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 56182
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 56183
3319.51 of the Revised Code. 56184

SCHOOL DISTRICT SOLVENCY ASSISTANCE 56185

Of the foregoing appropriation item 200-687, School District 56186
Solvency Assistance, \$9,000,000 in each fiscal year shall be 56187
allocated to the School District Shared Resource Account and 56188
\$9,000,000 in each fiscal year shall be allocated to the 56189
Catastrophic Expenditures Account. These funds shall be used to 56190
provide assistance and grants to school districts to enable them 56191
to remain solvent pursuant to section 3316.20 of the Revised Code. 56192
Assistance and grants shall be subject to approval by the 56193
Controlling Board. Any required reimbursements from school 56194
districts for solvency assistance shall be made to the appropriate 56195
account in the School District Solvency Assistance Fund (Fund 56196
5H3). 56197

Section 40.19. HEAD START PLUS/HEAD START 56198

The foregoing appropriation item 200-663, Head Start 56199
Plus/Head Start, shall be used to reimburse Head Start Plus/Head 56200
Start programs for services to children. The Department of 56201
Education shall administer the Head Start Plus/Head Start programs 56202
in accordance with an interagency agreement between the 56203
Departments of Education and Job and Family Services. Head Start 56204
Plus/Head Start providers shall meet all requirements as outlined 56205
in section 3301.311 of the Revised Code. The Department of 56206
Education shall adopt policies and procedures to establish a 56207
procedure for approving Head Start Plus/Head Start agencies. Up to 56208
\$2,000,000 in each fiscal year may be used by the Department of 56209
Education to provide program support and technical assistance. 56210

Of the foregoing appropriation item 200-663, Head Start 56211

Plus/Head Start, up to \$80,000,000 in fiscal year 2004 and up to 56212
\$81,600,000 in fiscal year 2005 shall be used to support the Head 56213
Start Plus initiative. Head Start Plus shall provide up to 10,000 56214
slots of full-day, full-year programming for children at least 56215
three years of age and not kindergarten age eligible. The program 56216
shall meet the child care needs of low-income families who meet 56217
eligibility requirements established in rules and administrative 56218
orders adopted by the Ohio Department of Job and Family Services 56219
and provide early education and comprehensive services as provided 56220
through the Head Start program before the enactment of this act. 56221

Of the foregoing appropriation item 200-663, Head Start 56222
Plus/Head Start, up to \$19,200,000 in fiscal year 2004 and up to 56223
\$19,584,000 in fiscal year 2005 shall be used to support up to 56224
4,000 slots of traditional partial-day, partial-year Head Start 56225
services. 56226

The Department of Education shall adopt rules in accordance 56227
with Chapter 119. of the Revised Code to establish standards for 56228
the purpose of assessing Head Start Plus/Head Start agencies and 56229
contract compliance. The Department of Education shall require 56230
Head Start Plus/Head Start providers to document child progress 56231
using research-based indicators as prescribed by the department 56232
and report results annually. 56233

The Department of Education shall provide an annual report to 56234
the Governor, the Speaker of the House of Representatives, the 56235
President of the Senate, the State Board of Education, Head Start 56236
Plus/Head Start providers, and other interested parties regarding 56237
the Head Start Plus/Head Start program and performance indicators 56238
as outlined by the Department of Education. 56239

AUXILIARY SERVICES REIMBURSEMENT 56240

Notwithstanding section 3317.064 of the Revised Code, if the 56241
unobligated cash balance is sufficient, the Treasurer of State 56242

shall transfer \$1,500,000 in fiscal year 2004 within thirty days 56243
after the effective date of this section and \$1,500,000 in fiscal 56244
year 2005 by August 1, 2004, from the Auxiliary Services Personnel 56245
Unemployment Compensation Fund to the Department of Education's 56246
Auxiliary Services Reimbursement Fund (Fund 598). 56247

Section 40.20. LOTTERY PROFITS EDUCATION FUND 56248

Appropriation item 200-612, Base Cost Funding (Fund 017), 56249
shall be used in conjunction with appropriation item 200-501, Base 56250
Cost Funding (GRF), to provide payments to school districts 56251
pursuant to Chapter 3317. of the Revised Code. 56252

The Department of Education, with the approval of the 56253
Director of Budget and Management, shall determine the monthly 56254
distribution schedules of appropriation item 200-501, Base Cost 56255
Funding (GRF), and appropriation item 200-612, Base Cost Funding 56256
(Fund 017). If adjustments to the monthly distribution schedule 56257
are necessary, the Department of Education shall make such 56258
adjustments with the approval of the Director of Budget and 56259
Management. 56260

The Director of Budget and Management shall transfer via 56261
intrastate transfer voucher the amount appropriated under the 56262
Lottery Profits Education Fund for appropriation item 200-682, 56263
Lease Rental Payment Reimbursement, to the General Revenue Fund on 56264
a schedule determined by the director. These funds shall support 56265
the appropriation item 230-428, Lease Rental Payments (GRF), of 56266
the School Facilities Commission. 56267

* LOTTERY PROFITS TRANSFERS 56268

On or before the first day of May of each fiscal year, the 56269
Director of Budget and Management shall determine if lottery 56270
profits transfers will meet the appropriation amounts from the 56271
Lottery Profits Education Fund. 56272

Section 40.21. LOTTERY PROFITS EDUCATION RESERVE FUND 56273

(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 2004 and 2005, 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. 56274
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(B)(1) On or before July 15, 2003, 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 2003 exceed \$637,722,600. The amount so certified shall be distributed in fiscal year 2004 pursuant to division (C) of this section. 56287
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(2) On or before July 15, 2004, 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 2004 exceed \$637,900,000. The amount so determined shall be distributed in fiscal year 2005 pursuant to division (D) of this section. 56293
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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. 56299
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(C) In fiscal year 2004, if there is a balance in the Lottery 56302

Profits Education Fund, the moneys shall be allocated as provided 56303
in this division. Any amounts so allocated are appropriated. 56304

An amount equal to five per cent of the estimated lottery 56305
profits of \$637,722,600 in fiscal year 2003 or the amount 56306
remaining in the fund, whichever is the lesser amount, shall be 56307
transferred to the Lottery Profits Education Reserve Fund within 56308
the limitations specified in division (A) of this section and be 56309
reserved and shall not be available for allocation or distribution 56310
during fiscal year 2004. Any amounts exceeding \$75,000,000 shall 56311
be distributed pursuant to division (E) of this section. 56312

(D) In fiscal year 2005, if there is a balance in the Lottery 56313
Profits Education Fund, the moneys shall be allocated as provided 56314
in this division. Any amounts so allocated are appropriated. 56315

An amount equal to five per cent of the estimated lottery 56316
profits transfers of \$637,900,000 in fiscal year 2004 or the 56317
amount remaining in the fund, whichever is the lesser amount, 56318
shall be transferred to the Lottery Profits Education Reserve Fund 56319
within the limitations specified in division (A) of this section 56320
and be reserved and shall not be available for allocation or 56321
distribution during fiscal year 2005. Any amounts exceeding 56322
\$75,000,000 shall be distributed pursuant to division (E) of this 56323
section. 56324

(E) In the appropriate fiscal year, any remaining amounts 56325
after the operations required by division (C) or (D) of this 56326
section, respectively, shall be transferred to the Public School 56327
Building Fund (Fund 021) and such amount is appropriated to 56328
appropriation item CAP-622, Public School Buildings, in the School 56329
Facilities Commission. 56330

Section 40.22. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT 56331

The foregoing appropriation item 200-900, School District 56332

Property Tax Replacement, shall be used by the Department of 56333
Education, in consultation with the Department of Taxation, to 56334
make payments to school districts and joint vocational school 56335
districts pursuant to section 5727.85 of the Revised Code. 56336

Section 40.23. * DISTRIBUTION FORMULAS 56337

The Department of Education shall report the following to the 56338
Director of Budget and Management, the Legislative Office of 56339
Education Oversight, and the Legislative Service Commission: 56340

(A) Changes in formulas for distributing state 56341
appropriations, including administratively defined formula 56342
factors; 56343

(B) Discretionary changes in formulas for distributing 56344
federal appropriations; 56345

(C) Federally mandated changes in formulas for distributing 56346
federal appropriations. 56347

Any such changes shall be reported two weeks prior to the 56348
effective date of the change. 56349

Section 40.24. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 56350
PAYMENTS 56351

This section shall not take effect unless the Director of 56352
Budget and Management adopts an order putting it into effect and 56353
certifies a copy of the order to the Superintendent of Public 56354
Instruction and the Controlling Board. 56355

Notwithstanding any other provision of the Revised Code, the 56356
monthly distribution of payments made to school districts and 56357
educational service centers pursuant to section 3317.01 of the 56358
Revised Code for the first six months of each fiscal year shall 56359
equal, as nearly as possible, six and two-thirds per cent of the 56360
estimate of the amounts payable for each fiscal year. The monthly 56361

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, 2003, and December 31, 2003, or at any time between July 1, 2004, and December 31, 2004, borrow money to pay any necessary and actual expenses of the school district during the last six months of calendar years 2003 and 2004 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 2004 and 2005 representing the respective amounts accrued pursuant to the preceding paragraph, and issue notes to evidence that borrowing to mature not 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 2003 or 2004 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. 56394
The receipts so anticipated, and additional amounts from 56395
distributions to the districts in the first six months of calendar 56396
years 2004 and 2005 pursuant to Chapter 3317. of the Revised Code 56397
needed to pay the interest on the notes, shall be deemed 56398
appropriated by the board of education to the extent necessary for 56399
the payment of the principal of and interest on the notes at 56400
maturity, and the amounts necessary to make those monthly 56401
distributions are appropriated from the General Revenue Fund. For 56402
the purpose of better ensuring the prompt payment of principal of 56403
and interest on the notes when due, the resolution of the board of 56404
education authorizing the notes may direct that the amount of the 56405
receipts anticipated, together with those additional amounts 56406
needed to pay the interest on the borrowed amounts, shall be 56407
deposited and segregated, in trust or otherwise, to the extent, at 56408
the time or times, and in the manner provided in that resolution. 56409
The borrowing authorized by this section does not constitute debt 56410
for purposes of section 133.04 of the Revised Code. School 56411
districts shall be reimbursed by the state for all necessary and 56412
actual costs to districts arising from this provision, including, 56413
without limitation, the interest paid on the notes while the notes 56414
are outstanding. The Department of Education shall adopt rules 56415
that are not inconsistent with this section for school district 56416
eligibility and application for reimbursement of such costs. 56417
Payments of these costs shall be made out of any anticipated 56418
balances in appropriation items distributed under Chapter 3317. of 56419
the Revised Code. The department shall submit all requests for 56420
reimbursement under these provisions to the Controlling Board for 56421
approval. 56422

During the last six months of each calendar year, instead of 56423
deducting the amount the Superintendent of Public Instruction 56424
would otherwise deduct from a school district's or educational 56425
service center's state aid payments in accordance with the 56426

certifications made for such year pursuant to sections 3307.56 and 56427
3309.51 of the Revised Code, the superintendent shall deduct an 56428
amount equal to forty per cent of the amount so certified. The 56429
secretaries of the retirement systems shall compute the 56430
certifications for the ensuing year under such sections as if the 56431
entire amounts certified as due in the calendar year ending the 56432
current fiscal year, but not deducted pursuant to this paragraph, 56433
had been deducted and paid in that calendar year. During the first 56434
six months of the ensuing calendar year, in addition to deducting 56435
the amounts the Superintendent of Public Instruction is required 56436
to deduct under such sections during such period, the 56437
superintendent shall deduct from a district's or educational 56438
service center's state aid payments an additional amount equal to 56439
the amount that was certified as due from the district for the 56440
calendar year that ends during the fiscal year, but that was not 56441
deducted because of this paragraph. The superintendent's 56442
certifications to the Director of Budget and Management during the 56443
first six months of the calendar year shall reflect such 56444
additional deduction. 56445

Section 40.25. EDUCATIONAL SERVICE CENTERS FUNDING 56446

Notwithstanding division (B) of section 3317.11 of the 56447
Revised Code, no funds shall be provided to an educational service 56448
center in either fiscal year for any pupils of a city or exempted 56449
village school district unless an agreement to provide services 56450
under section 3313.843 of the Revised Code was entered into by 56451
January 1, 1997, except that funds shall be provided to an 56452
educational service center for any pupils of a city school 56453
district if the agreement to provide services was entered into 56454
within one year of the date upon which such district changed from 56455
a local school district to a city school district. If insufficient 56456
funds are appropriated in fiscal year 2004 or fiscal year 2005 for 56457
the purposes of division (B) of section 3317.11 of the Revised 56458

Code, the Department shall first distribute to each educational 56459
service center \$37 per pupil in its service center ADM, as defined 56460
in that section. The remaining funds in each fiscal year shall be 56461
distributed proportionally, on a per-student basis, to each 56462
educational service center for its client ADM, as defined in that 56463
section, that is attributable to each city and exempted village 56464
school district that had entered into an agreement with an 56465
educational service center for that fiscal year under section 56466
3313.843 of the Revised Code by January 1, 1997. 56467

Section 40.26. * For the school year commencing July 1, 2003, 56468
or the school year commencing July 1, 2004, or both, the 56469
Superintendent of Public Instruction may waive for the board of 56470
education of any school district the ratio of teachers to pupils 56471
in kindergarten through fourth grade required under paragraph 56472
(A)(3) of rule 3301-35-05 of the Administrative Code if the 56473
following conditions apply: 56474

(A) The board of education requests the waiver. 56475

(B) After the Department of Education conducts an on-site 56476
evaluation of the district related to meeting the required ratio, 56477
the board of education demonstrates to the satisfaction of the 56478
Superintendent of Public Instruction that providing the facilities 56479
necessary to meet the required ratio during the district's regular 56480
school hours with pupils in attendance would impose an extreme 56481
hardship on the district. 56482

(C) The board of education provides assurances that are 56483
satisfactory to the Superintendent of Public Instruction that the 56484
board will act in good faith to meet the required ratio as soon as 56485
possible. 56486

Section 40.27. PRIVATE TREATMENT FACILITY PILOT PROJECT 56487

(A) As used in this section: 56488

(1) The following are "participating residential treatment centers":	56489 56490
(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 2004 or fiscal year 2005 or both, the Department pays through appropriation item 470-401, Care and Custody;	56491 56492 56493 56494 56495 56496
(b) Abraxas, in Shelby;	56497
(c) Paint Creek, in Bainbridge;	56498
(d) Act One, in Akron;	56499
(e) Friars Club, in Cincinnati.	56500
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	56501 56502 56503
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	56504 56505
(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.	56506 56507 56508 56509 56510
(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.	56511 56512 56513
(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	56514 56515 56516 56517 56518

program shall be contingent upon compliance with the criteria 56519
established for such programs by the Department of Education. The 56520
educational program shall be provided by a school district or 56521
educational service center, or by the residential facility itself. 56522
Maximum flexibility shall be given to the residential treatment 56523
facility to determine the provider. In the event that a voluntary 56524
agreement cannot be reached and the residential facility does not 56525
choose to provide the educational program, the educational service 56526
center in the county in which the facility is located shall 56527
provide the educational program at the treatment center to 56528
children under twenty-two years of age residing in the treatment 56529
center. 56530

(C) Any school district responsible for tuition for a 56531
residential child shall, notwithstanding any conflicting provision 56532
of the Revised Code regarding tuition payment, pay tuition for the 56533
child for fiscal year 2004 and fiscal year 2005 to the education 56534
program provider and in the amount specified in this division. If 56535
there is no school district responsible for tuition for a 56536
residential child and if the participating residential treatment 56537
center to which the child is assigned is located in the city, 56538
exempted village, or local school district that, if the child were 56539
not a resident of that treatment center, would be the school 56540
district where the child is entitled to attend school under 56541
sections 3313.64 and 3313.65 of the Revised Code, that school 56542
district, notwithstanding any conflicting provision of the Revised 56543
Code, shall pay tuition for the child for fiscal year 2004 and 56544
fiscal year 2005 under this division unless that school district 56545
is providing the educational program to the child under division 56546
(B) of this section. 56547

A tuition payment under this division shall be made to the 56548
school district, educational service center, or residential 56549
treatment facility providing the educational program to the child. 56550

The amount of tuition paid shall be: 56551

(1) The amount of tuition determined for the district under 56552
division (A) of section 3317.08 of the Revised Code; 56553

(2) In addition, for any student receiving special education 56554
pursuant to an individualized education program as defined in 56555
section 3323.01 of the Revised Code, a payment for excess costs. 56556
This payment shall equal the actual cost to the school district, 56557
educational service center, or residential treatment facility of 56558
providing special education and related services to the student 56559
pursuant to the student's individualized education program, minus 56560
the tuition paid for the child under division (C)(1) of this 56561
section. 56562

A school district paying tuition under this division shall 56563
not include the child for whom tuition is paid in the district's 56564
average daily membership or average daily attendance certified 56565
under division (A) of section 3317.03 or section 3317.034 of the 56566
Revised Code. 56567

(D) In each of fiscal years 2004 and 2005, the Department of 56568
Education shall reimburse, from appropriations made for the 56569
purpose, a school district, educational service center, or 56570
residential treatment facility, whichever is providing the 56571
service, that has demonstrated that it is in compliance with the 56572
funding criteria for each served child for whom a school district 56573
must pay tuition under division (C) of this section. The amount of 56574
the reimbursement shall be the formula amount specified in section 56575
3317.022 of the Revised Code, except that the department shall 56576
proportionately reduce this reimbursement if sufficient funds are 56577
not available to pay this amount to all qualified providers. 56578

(E) Funds provided to a school district, educational service 56579
center, or residential treatment facility under this section shall 56580
be used to supplement, not supplant, funds from other public 56581

sources for which the school district, service center, or 56582
residential treatment facility is entitled or eligible. 56583

(F) The Department of Education shall track the utilization 56584
of funds provided to school districts, educational service 56585
centers, and residential treatment facilities under this section 56586
and monitor the effect of the funding on the educational programs 56587
they provide in participating residential treatment facilities. 56588
The department shall monitor the programs for educational 56589
accountability. 56590

Section 40.28. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 56591
ASSESSMENT OF EDUCATION PROGRESS 56592

The General Assembly intends for the Superintendent of Public 56593
Instruction to provide for school district participation in the 56594
administration of the National Assessment of Education Progress in 56595
accordance with section 3301.27 of the Revised Code. 56596

Section 40.29. Notwithstanding division (C)(1) of section 56597
3313.975 of the Revised Code, in addition to students in 56598
kindergarten through third grade, initial scholarships may be 56599
awarded to fourth, fifth, sixth, seventh, and eighth grade 56600
students in fiscal year 2004 and in fiscal year 2005. 56601

Section 40.30. STATEMENT OF STATE SHARE PERCENTAGE FOR BASE 56602
COST AND PARITY AID FUNDING 56603

Pursuant to division (D)(3) of section 3317.012 of the 56604
Revised Code, and based on the most recent data available prior to 56605
the enactment of this act, the General Assembly has determined 56606
that the state share percentage of base cost and parity aid 56607
funding for the update year (fiscal year 2002) is 49.0%. This is 56608
the target percentage for fiscal year 2004 and fiscal year 2005 56609
that the General Assembly shall use to fulfill its obligation 56610

under division (D)(4) of section 3317.012 of the Revised Code. 56611

Pursuant to division (D)(4) of section 3317.012 of the 56612
Revised Code, and based on the most recent data available prior to 56613
the enactment of this act, the General Assembly has determined 56614
that the state share percentage of base cost and parity aid 56615
funding for fiscal year 2004 is 46.5% and for fiscal year 2005 is 56616
48.6%. This determination fulfills the General Assembly's 56617
obligation under that division for fiscal year 2004 and fiscal 56618
year 2005. 56619

Section 40.31. DEPARTMENT OF EDUCATION APPROPRIATION 56620
TRANSFERS FOR STUDENT ASSESSMENT 56621

In fiscal year 2004 and fiscal year 2005, if the 56622
Superintendent of Public Instruction determines that additional 56623
funds are needed to fully fund the requirements of Am. Sub. S.B. 1 56624
of the 124th General Assembly for assessments of student 56625
performance, the Superintendent of Public Instruction may 56626
recommend the reallocation of unspent and unencumbered 56627
appropriations within the Department of Education to the General 56628
Revenue Fund appropriation item 200-437, Student Assessment, to 56629
the Director of Budget and Management. If the Director of Budget 56630
and Management determines that such a reallocation is required, 56631
the Director of Budget and Management may transfer unspent and 56632
unencumbered funds within the Department of Education as necessary 56633
to appropriation item 200-437, Student Assessment. 56634

Section 40.32. THE ENHANCED URBAN ATTENDANCE IMPROVEMENT 56635
INITIATIVE 56636

The earmarked funds within appropriation item 200-501, Base 56637
Cost Funding, for the Enhanced Urban Attendance Improvement 56638
Initiative in Big Eight districts shall be distributed to each Big 56639
Eight school district in fiscal years 2004 and 2005 in accordance 56640

with the following formula: 56641

(District attendance rate in the current fiscal year - district 56642
attendance rate in fiscal year 2003) X district average daily 56643
attendance in fiscal year 2003 X the formula amount X the state 56644
funding percentage 56645

Where: 56646

(A) The district attendance rate in the current fiscal year 56647
equals the quotient of the total attendance days for the current 56648
fiscal year divided by the sum of total attendance days plus the 56649
total excused and unexcused absence days for the current fiscal 56650
year, as calculated by the Department of Education based on 56651
average daily attendance data reported under section 3317.034 of 56652
the Revised Code and other data reported under section 3301.0714 56653
of the Revised Code. 56654

(B) The district attendance rate in fiscal year 2003 equals 56655
the quotient of the total attendance days for that fiscal year 56656
divided by the sum of total attendance days plus the total excused 56657
and unexcused absence days for that fiscal year, as calculated by 56658
the Department of Education using data comparable to the data 56659
described in division (A) of this section. 56660

(C) The average daily attendance for fiscal year 2003 is 56661
calculated by the Department in a manner comparable to the 56662
calculation of average daily attendance under section 3317.034 of 56663
the Revised Code. 56664

(D) "Formula amount" has the same meaning as in section 56665
3317.02 of the Revised Code. 56666

(E) The state funding percentage equals 50%, unless in either 56667
fiscal year the amount calculated under this section exceeds the 56668
amount of the funds earmarked for this initiative, in which case 56669
the Department shall adjust the state funding percentage so that 56670
the aggregate funding distributed under this section shall not 56671

exceed the amount earmarked for this initiative. 56672

If the result of this calculation is less than zero for any 56673
Big Eight school district, the district's payment under this 56674
section is zero. 56675

Section 40.33. TRANSITIONAL AID FOR FISCAL YEAR 2004 AND 56676
FISCAL YEAR 2005 56677

The Department of Education shall distribute earmarked funds 56678
within appropriation item 200-501, Base Cost Funding, for the 56679
transitional aid for fiscal year 2004 and fiscal year 2005 to each 56680
city, local, and exempted village school district that experiences 56681
a decrease in its SF-3 funding plus charge-off supplement for the 56682
current fiscal year in excess of five per cent of its SF-3 funding 56683
plus charge-off supplement for the previous fiscal year. The 56684
Department shall distribute to each such district an amount to 56685
reduce the decrease to five per cent of the district's SF-3 56686
funding plus charge-off supplement for the previous fiscal year. 56687
For this purpose, "SF-3 funding plus charge-off supplement" equals 56688
the sum of the following: 56689

(A) Base cost funding under division (A) of section 3317.022 56690
of the Revised Code; 56691

(B) Special education and related services additional 56692
weighted funding under division (C)(1) of section 3317.022 of the 56693
Revised Code; 56694

(C) Speech services funding under division (C)(4) of section 56695
3317.022 of the Revised Code; 56696

(D) Vocational education additional weighted funding under 56697
division (E) of section 3317.022 of the Revised Code; 56698

(E) GRADS funding under division (R) of section 3317.024 of 56699
the Revised Code; 56700

(F) Adjustments for classroom teachers and educational 56701

service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	56702 56703
(G) Disadvantaged Pupil Impact Aid under section 3317.029 of the Revised Code;	56704 56705
(H) Gifted education units under division (F) of section 3317.05 of the Revised Code;	56706 56707
(I) Equity aid under section 3317.0213 of the Revised Code;	56708
(J) Transportation under division (D) of section 3317.022 of the Revised Code;	56709 56710
(K) The state aid guarantee under section 3317.0212 of the Revised Code;	56711 56712
(L) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	56713 56714
(M) Parity aid under section 3317.0217 of the Revised Code;	56715
(N) The reappraisal guarantee under former division (C) of section 3317.04 of the Revised Code;	56716 56717
(O) The charge-off supplement under section 3317.0216 of the Revised Code.	56718 56719
In determining the distribution under this section in fiscal year 2005, the Department shall add to each district's SF-3 funding plus charge-off supplement for fiscal year 2004 any amount paid to the district under this section in fiscal year 2004.	56720 56721 56722 56723
Section 41. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION	56724 56725
General Revenue Fund	56726
GRF 374-100 Personal Services \$ 1,300,000 \$ 1,300,000	56727
GRF 374-200 Maintenance \$ 800,000 \$ 800,000	56728
GRF 374-300 Equipment \$ 97,500 \$ 97,500	56729
GRF 374-401 Statehouse News Bureau \$ 185,508 \$ 185,508	56730

GRF 374-402	Ohio Government	\$	688,289	\$	688,289	56731
	Telecommunications					
	Studio					
GRF 374-403	Ohio SONET	\$	2,000,000	\$	2,000,000	56732
GRF 374-404	Telecommunications	\$	3,917,199	\$	3,819,269	56733
	Operating Subsidy					
TOTAL GRF	General Revenue Fund	\$	8,988,496	\$	8,890,566	56734
	General Services Fund Group					56735
4F3 374-603	Affiliate Services	\$	3,067,447	\$	3,067,447	56736
4T2 374-605	Government	\$	150,000	\$	150,000	56737
	Television/Telecommunications					
	Operating					
TOTAL GSF	General Services					56738
Fund Group		\$	3,217,447	\$	3,217,447	56739
TOTAL ALL BUDGET FUND GROUPS		\$	12,205,943	\$	12,108,013	56740
	STATEHOUSE NEWS BUREAU					56741
	The foregoing appropriation item 374-401, Statehouse News					56742
	Bureau, shall be used solely to support the operations of the Ohio					56743
	Statehouse News Bureau.					56744
	OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO					56745
	The foregoing appropriation item 374-402, Ohio Government					56746
	Telecommunications Studio, shall be used solely to support the					56747
	operations of the Ohio Government Telecommunications Studio.					56748
	OHIO SONET					56749
	The foregoing appropriation item 374-403, Ohio SONET, shall					56750
	be used by the Ohio Educational Telecommunications Network					56751
	Commission to pay monthly operating expenses and maintenance of					56752
	the television and radio transmission infrastructure.					56753
	TELECOMMUNICATIONS OPERATING SUBSIDY					56754
	The foregoing appropriation item 374-404, Telecommunications					56755

Operating Subsidy, shall be distributed by the Ohio Educational 56756
 Telecommunications Network Commission to Ohio's qualified public 56757
 educational television stations, radio reading services, and 56758
 educational radio stations to support their operations. The funds 56759
 shall be distributed pursuant to an allocation developed by the 56760
 Ohio Educational Telecommunications Network Commission. 56761

Section 42. ELC OHIO ELECTIONS COMMISSION 56762

General Revenue Fund 56763
 GRF 051-321 Operating Expenses \$ 294,857 \$ 294,857 56764
 TOTAL GRF General Revenue Fund \$ 294,857 \$ 294,857 56765
 State Special Revenue Fund Group 56766
 4P2 051-601 Ohio Elections 56767
 Commission Fund \$ 312,716 \$ 321,766 56768
 TOTAL SSR State Special 56769
 Revenue Fund Group \$ 312,716 \$ 321,766 56770
 TOTAL ALL BUDGET FUND GROUPS \$ 607,573 \$ 616,623 56771

Section 43. FUN STATE BOARD OF EMBALMERS AND FUNERAL 56773
DIRECTORS 56774

General Services Fund Group 56775
 4K9 881-609 Operating Expenses \$ 563,639 \$ 594,870 56776
 TOTAL GSF General Services 56777
 Fund Group \$ 563,639 \$ 594,870 56778
 TOTAL ALL BUDGET FUND GROUPS \$ 563,639 \$ 594,870 56779

Section 44. ERB STATE EMPLOYMENT RELATIONS BOARD 56781

General Revenue Fund 56782
 GRF 125-321 Operating Expenses \$ 3,268,338 \$ 3,268,338 56783
 TOTAL GRF General Revenue Fund \$ 3,268,338 \$ 3,268,338 56784
 General Services Fund Group 56785
 572 125-603 Training and \$ 75,541 \$ 75,541 56786

Publications

TOTAL GSF General Services				56787
Fund Group	\$	75,541	\$ 75,541	56788
TOTAL ALL BUDGET FUND GROUPS	\$	3,343,879	\$ 3,343,879	56789

Section 45. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 56791

General Services Fund Group				56792
4K9 892-609 Operating Expenses	\$	999,150	\$ 1,041,369	56793
TOTAL GSF General Services				56794
Fund Group	\$	999,150	\$ 1,041,369	56795
TOTAL ALL BUDGET FUND GROUPS	\$	999,150	\$ 1,041,369	56796

Section 46. EPA ENVIRONMENTAL PROTECTION AGENCY 56798

General Revenue Fund				56799
GRF 715-403 Clean Ohio	\$	788,985	\$ 788,985	56800
GRF 715-501 Local Air Pollution Control	\$	1,119,878	\$ 1,091,882	56801
GRF 717-321 Surface Water	\$	9,333,376	\$ 9,358,950	56802
GRF 718-321 Groundwater	\$	1,195,001	\$ 1,163,554	56803
GRF 719-321 Air Pollution Control	\$	2,543,260	\$ 2,543,260	56804
GRF 721-321 Drinking Water	\$	2,713,032	\$ 2,713,032	56805
GRF 723-321 Hazardous Waste	\$	110,184	\$ 107,284	56806
GRF 724-321 Pollution Prevention	\$	765,137	\$ 745,002	56807
GRF 725-321 Laboratory	\$	1,290,237	\$ 1,293,971	56808
GRF 726-321 Corrective Actions	\$	1,253,593	\$ 1,255,080	56809
TOTAL GRF General Revenue Fund	\$	21,112,683	\$ 21,061,000	56810
General Services Fund Group				56811
199 715-602 Laboratory Services	\$	1,042,081	\$ 1,045,654	56812
219 715-604 Central Support	\$	15,239,297	\$ 15,544,407	56813
Indirect				
4A1 715-640 Operating Expenses	\$	3,308,758	\$ 3,369,731	56814
TOTAL GSF General Services				56815

Fund Group	\$	19,590,136	\$	19,959,792	56816
Federal Special Revenue Fund Group					56817
3F2 715-630 Revolving Loan Fund - Operating	\$	80,000	\$	80,000	56818
3F3 715-632 Fed Supported Cleanup and Response	\$	2,792,648	\$	2,326,434	56819
3F4 715-633 Water Quality Management	\$	737,850	\$	712,850	56820
3F5 715-641 Nonpoint Source Pollution Management	\$	7,090,002	\$	7,155,000	56821
3J1 715-620 Urban Stormwater	\$	850,000	\$	956,001	56822
3K2 715-628 Clean Water Act 106	\$	4,125,992	\$	4,125,992	56823
3K4 715-634 DOD Monitoring and Oversight	\$	1,462,173	\$	1,450,333	56824
3K6 715-639 Remedial Action Plan	\$	416,000	\$	385,001	56825
3N1 715-655 Pollution Prevention Grants	\$	10,172	\$	0	56826
3N4 715-657 DOE Monitoring and Oversight	\$	3,362,932	\$	3,427,442	56827
3V7 715-606 Agencywide Grants	\$	100,268	\$	0	56828
352 715-611 Wastewater Pollution	\$	252,000	\$	265,002	56829
353 715-612 Public Water Supply	\$	2,480,989	\$	2,484,114	56830
354 715-614 Hazardous Waste Management - Federal	\$	4,195,192	\$	4,203,891	56831
357 715-619 Air Pollution Control - Federal	\$	5,447,334	\$	5,599,501	56832
362 715-605 Underground Injection Control - Federal	\$	101,874	\$	101,874	56833
TOTAL FED Federal Special Revenue Fund Group	\$	33,505,426	\$	33,273,435	56834
State Special Revenue Fund Group					56836
3T3 715-669 Drinking Water SRF	\$	3,631,132	\$	3,716,777	56837

4J0	715-638	Underground Injection Control	\$	379,488	\$	394,385	56838
4K2	715-648	Clean Air - Non Title V	\$	3,092,801	\$	3,370,002	56839
4K3	715-649	Solid Waste	\$	13,578,411	\$	13,578,411	56840
4K4	715-650	Surface Water Protection	\$	9,380,180	\$	9,380,181	56841
4K5	715-651	Drinking Water Protection	\$	6,294,334	\$	6,255,946	56842
4P5	715-654	Cozart Landfill	\$	146,792	\$	149,728	56843
4R5	715-656	Scrap Tire Management	\$	5,800,000	\$	6,000,000	56844
4R9	715-658	Voluntary Action Program	\$	603,435	\$	795,671	56845
4T3	715-659	Clean Air - Title V Permit Program	\$	16,950,003	\$	16,650,001	56846
4U7	715-660	Construction & Demolition Debris	\$	220,000	\$	220,000	56847
5H4	715-664	Groundwater Support	\$	1,768,661	\$	1,797,036	56848
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000	56849
5S1	715-607	Clean Ohio - Operating	\$	206,735	\$	208,174	56850
500	715-608	Immediate Removal Special Account	\$	475,024	\$	482,000	56851
503	715-621	Hazardous Waste Facility Management	\$	11,051,591	\$	11,465,671	56852
503	715-662	Hazardous Waste Facility Board	\$	566,350	\$	576,619	56853
505	715-623	Hazardous Waste Cleanup	\$	10,862,544	\$	11,557,987	56854
505	715-674	Clean Ohio Environmental Review	\$	999,896	\$	1,179,249	56855
541	715-670	Site Specific Cleanup	\$	344,448	\$	345,075	56856
542	715-671	Risk Management Reporting	\$	142,087	\$	146,188	56857

6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	56858
602	715-626	Motor Vehicle Inspection and Maintenance	\$	1,444,464	\$	1,437,398	56859
644	715-631	ER Radiological Safety	\$	281,424	\$	286,114	56860
660	715-629	Infectious Waste Management	\$	160,000	\$	160,000	56861
676	715-642	Water Pollution Control Loan Administration	\$	4,858,798	\$	4,964,625	56862
678	715-635	Air Toxic Release	\$	314,081	\$	210,662	56863
679	715-636	Emergency Planning	\$	2,798,648	\$	2,828,647	56864
696	715-643	Air Pollution Control Administration	\$	750,002	\$	750,000	56865
699	715-644	Water Pollution Control Administration	\$	625,000	\$	625,000	56866
TOTAL SSR State Special Revenue Fund Group			\$	99,256,329	\$	101,061,547	56867
TOTAL ALL BUDGET FUND GROUPS			\$	173,464,574	\$	175,355,774	56868
		CENTRAL SUPPORT INDIRECT					56869
		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.					56870 56871 56872 56873 56874 56875 56876 56877
		CLEAN OHIO - OPERATING					56878
		The foregoing appropriation item 715-607, Clean Ohio - Operating, shall be used by the Ohio Environmental Protection					56879 56880

Agency in administering sections 122.65 to 122.658 of the Revised Code. 56881
56882

Section 47. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 56883

General Revenue Fund 56884

GRF 172-321 Operating Expenses \$ 437,131 \$ 439,109 56885

TOTAL GRF General Revenue Fund \$ 437,131 \$ 439,109 56886

TOTAL ALL BUDGET FUND GROUPS \$ 437,131 \$ 439,109 56887

Section 48. ETH OHIO ETHICS COMMISSION 56889

General Revenue Fund 56890

GRF 146-321 Operating Expenses \$ 1,257,016 \$ 1,283,016 56891

TOTAL GRF General Revenue Fund \$ 1,257,016 \$ 1,283,016 56892

General Services Fund Group 56893

4M6 146-601 Operating Expenses \$ 409,543 \$ 383,543 56894

TOTAL GSF General Services 56895

Fund Group \$ 409,543 \$ 383,543 56896

TOTAL ALL BUDGET FUND GROUPS \$ 1,666,559 \$ 1,666,559 56897

Section 49. EXP OHIO EXPOSITIONS COMMISSION 56899

General Revenue Fund 56900

GRF 723-403 Junior Fair Subsidy \$ 465,412 \$ 465,412 56901

TOTAL GRF General Revenue Fund \$ 465,412 \$ 465,412 56902

State Special Revenue Fund Group 56903

4N2 723-602 Ohio State Fair \$ 520,000 \$ 520,000 56904

Harness Racing

506 723-601 Operating Expenses \$ 13,211,481 \$ 13,643,315 56905

640 723-603 State Fair Reserve \$ 125,000 \$ 0 56906

TOTAL SSR State Special Revenue 56907

Fund Group \$ 13,856,481 \$ 14,163,315 56908

TOTAL ALL BUDGET FUND GROUPS \$ 14,321,893 \$ 14,628,727 56909

STATE FAIR RESERVE 56910

The foregoing appropriation item 723-603, State Fair Reserve, 56911
shall serve as a budget reserve fund for the Ohio Expositions 56912
Commission in the event of a significant decline in attendance due 56913
to inclement weather or extraordinary circumstances during the 56914
Ohio State Fair resulting in a loss of revenue. The State Fair 56915
Reserve may be used by the Ohio Expositions Commission to pay 56916
bills resulting from the Ohio State Fair only if all the following 56917
criteria are met: 56918

(A) Admission revenues for the 2003 Ohio State Fair are less 56919
than \$2,542,500 or admission revenues for the 2004 Ohio State Fair 56920
are less than \$2,619,000 due to inclement weather or extraordinary 56921
circumstances. These amounts are ninety per cent of the projected 56922
admission revenues for each year. 56923

(B) The Ohio Expositions Commission declares a state of 56924
fiscal exigency and requests release of funds by the Director of 56925
Budget and Management. 56926

(C) The Director of Budget and Management releases the funds. 56927
The Director of Budget and Management may approve or disapprove 56928
the request for release of funds, may increase or decrease the 56929
amount of release, and may place such conditions as the director 56930
considers necessary on the use of the released funds. The Director 56931
of Budget and Management may transfer appropriation authority from 56932
fiscal year 2004 to fiscal year 2005 as needed. 56933

In the event that the Ohio Expositions Commission faces a 56934
temporary cash shortage that will preclude it from meeting current 56935
obligations, the Commission may request the Director of Budget and 56936
Management to approve use of the State Fair Reserve to meet those 56937
obligations. The request shall include a plan describing how the 56938
Commission will eliminate the cash shortage. If the Director of 56939
Budget and Management approves the expenditures, the Commission 56940

shall reimburse Fund 640 by the thirtieth day of June of that same 56941
fiscal year through an intrastate transfer voucher. The amount 56942
reimbursed is hereby appropriated. 56943

Of the foregoing appropriation item 723-603, State Fair 56944
Reserve, up to \$125,000 shall be transferred in fiscal year 2004 56945
to appropriation item 723-403, Junior Fair Subsidy. 56946

Section 50. GOV OFFICE OF THE GOVERNOR 56947

General Revenue Fund 56948

GRF 040-321 Operating Expenses \$ 4,112,358 \$ 4,235,726 56949

GRF 040-403 Federal Relations \$ 493,818 \$ 493,818 56950

GRF 040-408 Office of Veterans' \$ 276,723 \$ 285,025 56951

Affairs

GRF 040-503 Veterans' \$ 1,283,992 \$ 1,283,992 56952

Organizations

TOTAL GRF General Revenue Fund \$ 6,166,891 \$ 6,298,561 56953

General Services Fund Group 56954

412 040-607 Federal Relations \$ 500,000 \$ 500,000 56955

TOTAL GSF General Services Fund \$ 500,000 \$ 500,000 56956

Group

TOTAL ALL BUDGET FUND GROUPS \$ 6,666,891 \$ 6,798,561 56957

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 56958

The Governor may expend a portion of the foregoing 56959
appropriation item 040-321, Operating Expenses, to hire or appoint 56960
legal counsel to be used in proceedings involving the Governor in 56961
the Governor's official capacity or the Governor's office only, 56962
without the approval of the Attorney General, notwithstanding 56963
sections 109.02 and 109.07 of the Revised Code. 56964

VETERANS' ORGANIZATIONS 56965

The foregoing appropriation item 040-503, Veterans' 56966
Organizations, shall be used to provide subsidies to veterans' 56967

organizations to promote and provide assistance to veterans in 56968
Ohio. The Governor shall determine which veterans' organizations 56969
receive funding, as well as determining the amount of each subsidy 56970
for each fiscal year. 56971

FEDERAL RELATIONS 56972

Of the foregoing appropriation item 040-403, Federal 56973
Relations, not more than \$142,428 shall be used for dues to the 56974
National Governor's Conference in each fiscal year, and not more 56975
than \$27,390 shall be used for dues to the Great Lakes Conference 56976
in each fiscal year. 56977

A portion of the foregoing appropriation items 040-403, 56978
Federal Relations, and 040-607, Federal Relations, may be used to 56979
support Ohio's membership in national or regional associations. 56980

The Office of the Governor may charge any state agency of the 56981
executive branch using an intrastate transfer voucher such amounts 56982
necessary to defray the costs incurred for the conduct of federal 56983
relations associated with issues that can be attributed to the 56984
agency. Amounts collected shall be deposited to the Office of the 56985
Governor Federal Relations Fund (Fund 412). 56986

Section 51. DOH DEPARTMENT OF HEALTH 56987

General Revenue Fund 56988

GRF 440-407 Animal Borne Disease \$ 2,690,101 \$ 2,690,101 56989
and Prevention

GRF 440-412 Cancer Incidence \$ 736,616 \$ 736,616 56990
Surveillance System

GRF 440-413 Healthy Communities \$ 4,139,009 \$ 4,139,009 56991

GRF 440-416 Child and Family \$ 8,872,472 \$ 8,872,472 56992
Health Services

GRF 440-418 Immunizations \$ 7,594,803 \$ 7,594,803 56993

GRF 440-419 Sexual Assault \$ 35,899 \$ 35,899 56994

	Prevention				
GRF 440-444	AIDS Prevention and Treatment	\$	7,589,816	\$	7,589,816
					56995
GRF 440-446	Infectious Disease Prevention	\$	439,330	\$	439,330
					56996
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250
					56997
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017
					56998
GRF 440-453	Health Care Quality Assurance	\$	10,453,728	\$	10,453,728
					56999
GRF 440-454	Local Environmental Health	\$	1,047,654	\$	1,047,654
					57000
GRF 440-459	Help Me Grow	\$	9,861,089	\$	9,861,089
					57001
GRF 440-461	Center for Vital and Health Stats	\$	3,579,790	\$	3,579,790
					57002
GRF 440-504	Poison Control Network	\$	260,713	\$	260,713
					57003
GRF 440-505	Medically Handicapped Children	\$	5,832,257	\$	5,985,738
					57004
GRF 440-507	Targeted Health Care Services Over 21	\$	731,023	\$	731,023
					57005
GRF 440-508	Migrant Health	\$	91,301	\$	91,301
					57006
TOTAL GRF	General Revenue Fund	\$	71,064,868	\$	71,218,349
					57007
	General Services Fund Group				57008
142 440-618	General Operations - General Services Fund	\$	1,328,346	\$	1,417,817
					57009
211 440-613	Central Support Indirect Costs	\$	26,149,512	\$	26,276,178
					57010
473 440-622	Lab Operating Expenses	\$	4,154,045	\$	4,154,045
					57011
683 440-633	Employee Assistance Program	\$	1,192,234	\$	1,192,214
					57012
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000
					57013
TOTAL GSF	General Services				57014

Fund Group		\$	32,994,137	\$	33,210,254	57015
Federal Special Revenue Fund Group						57016
320 440-601 Maternal Child Health		\$	34,451,205	\$	35,136,169	57017
Block Grant						
387 440-602 Preventive Health		\$	8,200,000	\$	8,200,000	57018
Block Grant						
389 440-604 Women, Infants, and		\$	210,000,000	\$	220,000,000	57019
Children						
391 440-606 Medicaid/Medicare		\$	26,294,274	\$	26,820,159	57020
392 440-618 General Operations -		\$	114,474,764	\$	115,319,323	57021
Federal Fund						
TOTAL FED Federal Special Revenue						57022
Fund Group		\$	393,420,243	\$	405,475,651	57023
State Special Revenue Fund Group						57024
4D6 440-608 Genetics Services		\$	2,300,000	\$	2,300,000	57025
4F9 440-610 Sickle Cell Disease		\$	1,035,344	\$	1,035,344	57026
Control						
4G0 440-636 Heirloom Birth		\$	5,000	\$	5,000	57027
Certificate						
4G0 440-637 Birth Certificate		\$	5,000	\$	5,000	57028
Surcharge						
4L3 440-609 Miscellaneous Expenses		\$	256,082	\$	144,119	57029
4T4 440-603 Child Highway Safety		\$	233,894	\$	233,894	57030
4V6 440-641 Save Our Sight		\$	1,733,327	\$	1,767,994	57031
470 440-618 General Operations -		\$	14,454,867	\$	15,953,072	57032
State Special Revenue						
471 440-619 Certificate of Need		\$	475,000	\$	483,572	57033
477 440-627 Medically Handicapped		\$	4,640,498	\$	4,733,008	57034
Children Audit						
5B5 440-616 Quality, Monitoring,		\$	838,479	\$	838,479	57035
and Inspection						
5C0 440-615 Alcohol Testing and		\$	1,455,405	\$	1,455,405	57036

		Permit				
5D6	440-620	Second Chance Trust	\$	887,018	\$	825,951 57037
5G4	440-639	Adoption Services	\$	20,000	\$	20,000 57038
5L1	440-623	Nursing Facility	\$	586,153	\$	617,517 57039
		Technical Assistance Program				
610	440-626	Radiation Emergency Response	\$	923,315	\$	923,315 57040
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687 57041
		TOTAL SSR State Special Revenue				57042
		Fund Group	\$	44,858,390	\$	45,662,357 57043
		Holding Account Redistribution Fund Group				57044
R14	440-631	Vital Statistics	\$	70,000	\$	70,000 57045
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,400	\$	20,400 57046
		TOTAL 090 Holding Account Redistribution Fund Group	\$	90,400	\$	90,400 57048
		TOTAL ALL BUDGET FUND GROUPS	\$	542,428,038	\$	555,657,011 57049
		Section 51.01. CANCER REGISTRY SYSTEM				57051
		Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, not more than \$50,000 in each fiscal year shall be provided to Health Comp, Inc.				57052 57053 57054
		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.				57055 57056 57057 57058
		CHILD AND FAMILY HEALTH SERVICES				57059

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$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, not more than \$270,000 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, not more than \$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, \$500,000 in each fiscal year shall be used for 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 limited to, advertising campaigns and direct training in schools and other locations.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$30,000 in each fiscal year shall be allocated to the Jewish Family Service of Cleveland, \$10,000 in each fiscal year shall be allocated to the Jewish Family Service of Cincinnati, and \$10,000 in each fiscal year shall be allocated to the Jewish Family Services of Columbus for interpreters for health care.

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;	57122 57123
(D) Statewide expansion of local outreach and public awareness efforts.	57124 57125
HIV/AIDS PREVENTION/TREATMENT	57126
Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, up to \$6.4 million in fiscal year 2004 and up to \$6.7 million in fiscal year 2005 shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications.	57127 57128 57129 57130
INFECTIOUS DISEASE PREVENTION	57131
Of the foregoing appropriation item 440-446, Infectious Disease Prevention, not more than \$200,000 in each fiscal year shall be used to reimburse boards of county commissioners pursuant to division (A) of section 339.77 of the Revised Code.	57132 57133 57134 57135
Of the foregoing appropriation item 440-446, Infectious Disease Prevention, not more than \$60,000 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.	57136 57137 57138 57139 57140 57141 57142
Of the foregoing appropriation item 440-446, Infectious Disease Prevention, not more than \$250,000 in each fiscal year shall be used for the purchase of drugs for sexually transmitted diseases.	57143 57144 57145 57146
HELP ME GROW	57147
The foregoing appropriation item 440-459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow program. Appropriation item 440-459 may be used in conjunction with Temporary Assistance for	57148 57149 57150 57151

Needy Families from the Department of Job and Family Services, 57152
Early Intervention funding from the Department of Mental 57153
Retardation and Developmental Disabilities, and in conjunction 57154
with other early childhood funds and services to promote the 57155
optimal development of young children. Local contracts shall be 57156
developed between local departments of job and family services and 57157
family and children first councils for the administration of TANF 57158
funding for the Help Me Grow Program. The Department of Health 57159
shall enter into an interagency agreement with the Department of 57160
Education, Department of Mental Retardation and Developmental 57161
Disabilities, Department of Job and Family Services, and 57162
Department of Mental Health to ensure that all early childhood 57163
programs and initiatives are coordinated and school linked. 57164

POISON CONTROL NETWORK 57165

The foregoing appropriation item 440-504, Poison Control 57166
Network, shall be used in each fiscal year by the Department of 57167
Health for grants to the consolidated Ohio Poison Control Center 57168
to provide poison control services to Ohio citizens. 57169

TARGETED HEALTH CARE SERVICES OVER 21 57170

In each fiscal year, appropriation item 440-507, Targeted 57171
Health Care Services Over 21, shall be used to administer the 57172
cystic fibrosis program and implement the Hemophilia Insurance 57173
Premium Payment program. 57174

MATERNAL CHILD HEALTH BLOCK GRANT 57175

Of the foregoing appropriation item 440-601, Maternal Child 57176
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 57177
fiscal year for the purposes of abstinence-only education. The 57178
Director of Health shall develop guidelines for the establishment 57179
of abstinence programs for teenagers with the purpose of 57180
decreasing unplanned pregnancies and abortion. Such guidelines 57181
shall be pursuant to Title V of the "Social Security Act," 42 57182

U.S.C. 510, and shall include, but are not limited to, advertising 57183
campaigns and direct training in schools and other locations. 57184

GENETICS SERVICES 57185

The foregoing appropriation item 440-608, Genetics Services 57186
(Fund 4D6), shall be used by the Department of Health to 57187
administer programs authorized by sections 3701.501 and 3701.502 57188
of the Revised Code. None of these funds shall be used to counsel 57189
or refer for abortion, except in the case of a medical emergency. 57190

SAFETY AND QUALITY OF CARE STANDARDS 57191

The Department of Health may use Fund 471, Certificate of 57192
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 57193
the Revised Code in each fiscal year. 57194

MEDICALLY HANDICAPPED CHILDREN AUDIT 57195

The Medically Handicapped Children Audit Fund (Fund 477) 57196
shall receive revenue from audits of hospitals and recoveries from 57197
third-party payers. Moneys may be expended for payment of audit 57198
settlements and for costs directly related to obtaining recoveries 57199
from third-party payers and for encouraging Medically Handicapped 57200
Children's Program recipients to apply for third-party benefits. 57201
Moneys also may be expended for payments for diagnostic and 57202
treatment services on behalf of medically handicapped children, as 57203
defined in division (A) of section 3701.022 of the Revised Code, 57204
and Ohio residents who are twenty-one or more years of age and who 57205
are suffering from cystic fibrosis. Moneys may also be expended 57206
for administrative expenses incurred in operating the Medically 57207
Handicapped Children's Program. 57208

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 57209
PERMIT FUND 57210

The Director of Budget and Management, pursuant to a plan 57211
submitted by the Department of Health, or as otherwise determined 57212

by the Director of Budget and Management, shall set a schedule to 57213
transfer cash from the Liquor Control Fund (Fund 043) to the 57214
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 57215
needs of the Alcohol Testing and Permit program. 57216

The Director of Budget and Management shall transfer to the 57217
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 57218
Fund (Fund 043) established in section 4301.12 of the Revised Code 57219
such amounts at such times as determined by the transfer schedule. 57220

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 57221

The foregoing appropriation item 440-607, Medically 57222
Handicapped Children - County Assessments (Fund 666), shall be 57223
used to make payments pursuant to division (E) of section 3701.023 57224
of the Revised Code. 57225

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 57226

The Director of Budget and Management shall transfer, by 57227
intrastate transfer voucher, each fiscal year, cash from Fund 4E3, 57228
Resident Protection Fund, in the Ohio Department of Job and Family 57229
Services, to Fund 5L1, Nursing Facility Technical Assistance Fund, 57230
in the Ohio Department of Health, to be used in accordance with 57231
section 3721.026 of the Revised Code. The transfers shall equal 57232
the amount appropriated per fiscal year in Fund 5L1, Nursing 57233
Facility Technical Assistance Fund. 57234

Section 52. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 57235

Agency Fund Group 57236

461 372-601 Operating Expenses \$ 15,290 \$ 16,819 57237

TOTAL AGY Agency Fund Group \$ 15,290 \$ 16,819 57238

TOTAL ALL BUDGET FUND GROUPS \$ 15,290 \$ 16,819 57239

Section 53. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 57241

General Revenue Fund 57242

GRF 148-100 Personal Services	\$	159,419	\$	159,419	57243
GRF 148-200 Maintenance	\$	30,901	\$	30,901	57244
TOTAL GRF General Revenue Fund	\$	190,320	\$	190,320	57245
General Services Fund Group					57246
601 148-602 Gifts and Miscellaneous	\$	8,485	\$	8,485	57247
TOTAL GSF General Services Fund Group	\$	8,485	\$	8,485	57249
TOTAL ALL BUDGET FUND GROUPS	\$	198,805	\$	198,805	57250

Section 54. OHS OHIO HISTORICAL SOCIETY 57252

General Revenue Fund					57253
GRF 360-501 Operating Subsidy	\$	3,389,973	\$	3,389,973	57254
GRF 360-502 Site Operations	\$	6,210,438	\$	6,210,438	57255
GRF 360-503 Ohio Bicentennial Commission	\$	1,847,239	\$	58,164	57256
GRF 360-504 Ohio Preservation Office	\$	289,733	\$	289,733	57257
GRF 360-505 Afro-American Museum	\$	778,231	\$	778,231	57258
GRF 360-506 Hayes Presidential Center	\$	524,981	\$	524,981	57259
GRF 360-508 Historical Grants	\$	688,470	\$	688,470	57260
TOTAL GRF General Revenue Fund	\$	13,729,065	\$	11,939,990	57261
TOTAL ALL BUDGET FUND GROUPS	\$	13,729,065	\$	11,939,990	57262

SUBSIDY APPROPRIATION 57263

Upon approval by the Director of Budget and Management, the 57264
foregoing appropriation items shall be released to the Ohio 57265
Historical Society in quarterly amounts that in total do not 57266
exceed the annual appropriations. The funds and fiscal records of 57267
the society for fiscal years 2004 and 2005 shall be examined by 57268
independent certified public accountants approved by the Auditor 57269
of State, and a copy of the audited financial statements shall be 57270

filed with the Office of Budget and Management. The society shall 57271
prepare and submit to the Office of Budget and Management the 57272
following: 57273

(A) An estimated operating budget for each fiscal year of the 57274
biennium. The operating budget shall be submitted at or near the 57275
beginning of each year. 57276

(B) Financial reports, indicating actual receipts and 57277
expenditures for the fiscal year to date. These reports shall be 57278
filed at least semiannually during the fiscal biennium. 57279

The foregoing appropriations shall be considered to be the 57280
contractual consideration provided by the state to support the 57281
state's offer to contract with the Ohio Historical Society under 57282
section 149.30 of the Revised Code. 57283

SITE OPERATIONS 57284

Of the foregoing appropriation item 360-502, Site Operations, 57285
funds shall be distributed to the Afro-American Museum, the Hayes 57286
Presidential Center, as well as other sites controlled by the Ohio 57287
Historical Society in each fiscal year. 57288

HAYES PRESIDENTIAL CENTER 57289

If a United States government agency, including, but not 57290
limited to, the National Park Service, chooses to take over the 57291
operations or maintenance of the Hayes Presidential Center, in 57292
whole or in part, the Ohio Historical Society shall make 57293
arrangements with the National Park Service or other United States 57294
government agency for the efficient transfer of operations or 57295
maintenance. 57296

HISTORICAL GRANTS 57297

Of the foregoing appropriation item 360-508, Historical 57298
Grants, \$100,000 in each fiscal year shall be distributed to the 57299
Hebrew Union College in Cincinnati for the Center for Holocaust 57300

and Humanity Education.				57301	
OHIO BICENTENNIAL COMMISSION ROYALTIES				57302	
Notwithstanding any previous arrangement to the contrary, the				57303	
Ohio Bicentennial Commission shall keep the first \$100,000 in				57304	
earned royalties associated with the Ohio Bicentennial logo during				57305	
the 2003-2005 biennium. This \$100,000 shall be used to cover the				57306	
operating expenses of the Ohio Bicentennial Commission in fiscal				57307	
year 2005. The remaining moneys collected from royalties				57308	
associated with the Ohio Bicentennial logo shall be deposited into				57309	
the General Revenue Fund.				57310	
Section 55. REP OHIO HOUSE OF REPRESENTATIVES				57311	
General Revenue Fund				57312	
GRF 025-321 Operating Expenses	\$	19,018,547	\$	19,969,473	57313
TOTAL GRF General Revenue Fund	\$	19,018,547	\$	19,969,473	57314
General Services Fund Group				57315	
103 025-601 House Reimbursement	\$	1,351,875	\$	1,419,469	57316
4A4 025-602 Miscellaneous Sales	\$	35,690	\$	37,474	57317
TOTAL GSF General Services				57318	
Fund Group	\$	1,387,565	\$	1,456,943	57319
TOTAL ALL BUDGET FUND GROUPS	\$	20,406,112	\$	21,426,416	57320
Section 56. IGO OFFICE OF THE INSPECTOR GENERAL				57322	
General Revenue Fund				57323	
GRF 965-321 Operating Expenses	\$	645,966	\$	651,009	57324
TOTAL GRF General Revenue Fund	\$	645,966	\$	651,009	57325
State Special Revenue Fund Group				57326	
4Z3 965-602 Special Investigations	\$	100,000	\$	100,000	57327
TOTAL SSR State Special Revenue	\$	100,000	\$	100,000	57328
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	745,966	\$	751,009	57329

SPECIAL INVESTIGATIONS	57330
Of the foregoing appropriation item 965-602, Special	57331
Investigations, up to \$100,000 in each fiscal year may be used for	57332
investigative costs, pursuant to section 121.481 of the Revised	57333
Code.	57334
Section 57. INS DEPARTMENT OF INSURANCE	57335
Federal Special Revenue Fund Group	57336
3U5 820-602 OSHIIP Operating Grant \$ 560,559 \$ 560,559	57337
TOTAL FED Federal Special	57338
Revenue Fund Group \$ 560,559 \$ 560,559	57339
State Special Revenue Fund Group	57340
554 820-601 Operating Expenses - \$ 506,515 \$ 561,411	57341
OSHIIP	
554 820-606 Operating Expenses \$ 21,815,431 \$ 22,357,575	57342
555 820-605 Examination \$ 7,433,751 \$ 7,639,581	57343
TOTAL SSR State Special Revenue	57344
Fund Group \$ 29,755,697 \$ 30,558,567	57345
TOTAL ALL BUDGET FUND GROUPS \$ 30,316,256 \$ 31,119,126	57346
MARKET CONDUCT EXAMINATION	57347
When conducting a market conduct examination of any insurer	57348
doing business in this state, the Superintendent of Insurance may	57349
assess the costs of the examination against the insurer. The	57350
superintendent may enter into consent agreements to impose	57351
administrative assessments or fines for conduct discovered that	57352
may be violations of statutes or regulations administered by the	57353
superintendent. All costs, assessments, or fines collected shall	57354
be deposited to the credit of the Department of Insurance	57355
Operating Fund (Fund 554).	57356
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES	57357
The Superintendent of Insurance may transfer funds from the	57358

Department of Insurance Operating Fund (Fund 554), established by 57359
 section 3901.021 of the Revised Code, to the Superintendent's 57360
 Examination Fund (Fund 555), established by section 3901.071 of 57361
 the Revised Code, only for the expenses incurred in examining 57362
 domestic fraternal benefit societies as required by section 57363
 3921.28 of the Revised Code. 57364

TRANSFER TO GRF 57365

On July 1, 2003, or as soon as possible thereafter, the 57366
 Director of Budget and Management shall transfer \$1,000,000 from 57367
 the Superintendent's Exam Fund (Fund 555) to the General Revenue 57368
 Fund. 57369

On July 1, 2003, or as soon as possible thereafter, the 57370
 Director of Budget and Management shall transfer \$7,000,000 from 57371
 the Department of Insurance Operating Fund (Fund 554) to the 57372
 General Revenue Fund. 57373

Section 58. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 57374

General Revenue Fund 57375

GRF 600-321 Support Services 57376

State \$ 58,611,047 \$ 58,611,047 57377

Federal \$ 6,744,715 \$ 7,125,883 57378

Support Services Total \$ 65,355,762 \$ 65,736,930 57379

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 57380

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 57381

Match/Maintenance of
 Effort

GRF 600-416 Computer Projects 57382

State \$ 120,000,000 \$ 120,000,000 57383

Federal \$ 31,095,442 \$ 31,400,454 57384

Computer Projects \$ 151,095,442 \$ 151,400,454 57385

Total

GRF 600-420 Child Support \$ 5,091,446 \$ 5,091,446 57386

	Administration				
GRF 600-421	Office of Family Stability	\$	4,864,932	\$	4,864,932
					57387
GRF 600-422	Local Operations	\$	2,305,232	\$	2,305,232
					57388
GRF 600-423	Office of Children and Families	\$	5,000,000	\$	5,000,000
					57389
GRF 600-424	Office of Workforce Development	\$	877,971	\$	877,971
					57390
GRF 600-425	Office of Ohio Health Plans				57391
	State	\$	20,085,170	\$	20,085,170
	Federal	\$	19,996,989	\$	19,988,992
	Office of Ohio Health Plans Total	\$	40,082,159	\$	40,074,162
					57394
GRF 600-435	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473
					57395
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103
					57396
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371
					57397
GRF 600-521	Family Stability Subsidy	\$	55,206,401	\$	55,206,401
					57398
GRF 600-523	Children and Families Subsidy	\$	69,846,563	\$	69,846,563
					57399
GRF 600-525	Health Care/Medicaid				57400
	State	\$	3,654,294,321	\$	3,822,604,777
	Federal	\$	5,192,954,705	\$	5,467,412,205
	Health Care Total	\$	8,847,249,026	\$	9,290,016,982
					57403
GRF 600-528	Adoption Services				57404
	State	\$	30,642,739	\$	30,642,739
	Federal	\$	34,287,550	\$	34,979,090
	Adoption Services	\$	64,930,289	\$	65,621,829
					57407
	Total				

TOTAL GRF General Revenue Fund				57408
State	\$ 4,426,407,426	\$ 4,594,717,882		57409
Federal	\$ 5,285,079,401	\$ 5,560,906,625		57410
GRF Total	\$ 9,711,486,827	\$10,155,624,506		57411
General Services Fund Group				57412
4A8 600-658 Child Support	\$ 27,255,646	\$ 26,680,794		57413
Collections				
4R4 600-665 BCII Services/Fees	\$ 136,974	\$ 136,974		57414
5C9 600-671 Medicaid Program	\$ 54,686,270	\$ 55,137,078		57415
Support				
5N1 600-677 County Technologies	\$ 5,000,000	\$ 5,000,000		57416
613 600-645 Training Activities	\$ 135,000	\$ 135,000		57417
TOTAL GSF General Services				57418
Fund Group	\$ 87,213,890	\$ 87,089,846		57419
Federal Special Revenue Fund Group				57420
3A2 600-641 Emergency Food	\$ 2,083,500	\$ 2,187,675		57421
Distribution				
3D3 600-648 Children's Trust Fund	\$ 2,040,524	\$ 2,040,524		57422
Federal				
3F0 600-623 Health Care Federal	\$ 391,658,105	\$ 394,221,409		57423
3F0 600-650 Hospital Care	\$ 298,128,308	\$ 305,879,644		57424
Assurance Match				
3G5 600-655 Interagency	\$ 1,180,523,642	\$ 1,245,244,536		57425
Reimbursement				
3H7 600-617 Child Care Federal	\$ 224,539,425	\$ 235,045,596		57426
3N0 600-628 IV-E Foster Care	\$ 173,963,142	\$ 173,963,142		57427
Maintenance				
3S5 600-622 Child Support Projects	\$ 534,050	\$ 534,050		57428
3V0 600-662 WIA Ohio Option #7	\$ 87,407,014	\$ 89,352,850		57429
3V0 600-688 Workforce Investment	\$ 93,636,390	\$ 94,932,750		57430
Act				
3V4 600-678 Federal Unemployment	\$ 139,590,682	\$ 142,411,608		57431

		Programs				
3V4	600-679	Unemployment	\$	3,097,320	\$	2,860,297 57432
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$	761,095,609	\$	816,909,688 57433
3W3	600-659	TANF/Title XX	\$	72,796,826	\$	72,796,826 57434
316	600-602	State and Local	\$	11,212,594	\$	11,249,282 57435
		Training				
327	600-606	Child Welfare	\$	29,119,408	\$	28,665,728 57436
331	600-686	Federal Operating	\$	48,237,185	\$	47,340,081 57437
365	600-681	JOB Training Program	\$	5,000,000	\$	0 57438
384	600-610	Food Stamps and State	\$	134,560,572	\$	135,141,694 57439
		Administration				
385	600-614	Refugee Services	\$	5,793,656	\$	5,841,407 57440
395	600-616	Special	\$	3,975,821	\$	3,975,821 57441
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$	47,469,767	\$	47,486,134 57442
		Grant				
397	600-626	Child Support	\$	273,707,264	\$	272,212,680 57443
398	600-627	Adoption Maintenance/	\$	339,957,978	\$	340,104,370 57444
		Administration				
		TOTAL FED Federal Special Revenue				57445
		Fund Group	\$	4,330,128,782	\$	4,470,397,792 57446
		State Special Revenue Fund Group				57447
198	600-647	Children's Trust Fund	\$	4,336,109	\$	4,336,109 57448
4A9	600-607	Unemployment	\$	8,001,000	\$	8,001,000 57449
		Compensation Admin				
		Fund				
4E3	600-605	Nursing Home	\$	4,759,913	\$	4,759,914 57450
		Assessments				
4E7	600-604	Child and Family	\$	300,000	\$	300,000 57451
		Services Collections				

4F1	600-609	Foundation	\$	119,310	\$	119,310	57452
		Grants/Child and Family Services					
4J5	600-613	Nursing Facility Bed Assessments	\$	35,060,013	\$	35,064,238	57453
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57454
4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$	20,428,726	57455
4R3	600-687	Banking Fees	\$	592,937	\$	592,937	57456
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57457
5A5	600-685	Unemployment Benefit Automation	\$	7,000,000	\$	0	57458
5P5	600-692	Health Care Services	\$	385,100,993	\$	448,932,851	57459
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	30,797,539	\$	30,797,539	57460
5R2	600-608	Medicaid-Nursing Facilities	\$	113,754,184	\$	113,754,184	57461
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	57462
5T2	600-652	Child Support Special Payment	\$	1,500,000	\$	750,000	57463
5U3	600-654	Health Care Services Administration	\$	7,576,322	\$	6,119,127	57464
5U6	600-663	Children and Family Support	\$	4,929,718	\$	4,929,718	57465
651	600-649	Hospital Care Assurance Program Fund	\$	208,634,072	\$	214,058,558	57466
TOTAL SSR State Special Revenue							57467
Fund Group			\$	860,250,120	\$	920,265,171	57468
Agency Fund Group							57469
192	600-646	Support Intercept - Federal	\$	136,500,000	\$	136,500,000	57470

5B6 600-601 Food Stamp Intercept	\$	5,000,000	\$	5,000,000	57471
583 600-642 Support Intercept -	\$	20,565,582	\$	20,565,582	57472
State					
TOTAL AGY Agency Fund Group	\$	162,065,582	\$	162,065,582	57473
Holding Account Redistribution Fund Group					57474
R12 600-643 Refunds and Audit	\$	5,343,906	\$	5,343,906	57475
Settlements					
R13 600-644 Forgery Collections		700,000		700,000	57476
TOTAL 090 Holding Account	\$	6,043,906	\$	6,043,906	57477
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$15,157,189,107		\$15,801,486,803	57478

Section 58.01. HEALTH CARE/MEDICAID 57480

The foregoing appropriation item 600-525, Health 57481
Care/Medicaid, shall not be limited by the provisions of section 57482
131.33 of the Revised Code. 57483

Section 58.02. CHILD SUPPORT COLLECTIONS/TANF MOE 57484

The foregoing appropriation item 600-658, Child Support 57485
Collections, shall be used by the Department of Job and Family 57486
Services to meet the TANF maintenance of effort requirements of 57487
Pub. L. No. 104-193. After the state has met the maintenance of 57488
effort requirement, the Department of Job and Family Services may 57489
use funds from appropriation item 600-658 to support public 57490
assistance activities. 57491

Section 58.03. MEDICAID PROGRAM SUPPORT FUND - STATE 57492

The foregoing appropriation item 600-671, Medicaid Program 57493
Support, shall be used by the Department of Job and Family 57494
Services to pay for Medicaid services and contracts. The 57495
Department may also deposit to Fund 5C9 revenues received from 57496
other state agencies for Medicaid services under the terms of 57497

interagency agreements between the Department and other state agencies. 57498
57499

Section 58.04. HEALTH CARE SERVICES ADMINISTRATION 57500

The foregoing appropriation item 600-654, Health Care Services Administration, shall be used by the Department of Job and Family Services for costs associated with the administration of the Medicaid program. 57501
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Section 58.05. HEALTH CARE SERVICES ADMINISTRATION FUND 57505

Of the amount received by the Department of Job and Family Services during fiscal year 2004 and fiscal year 2005 from the first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services shall deposit \$350,000 into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U3). 57506
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HOSPITAL CARE ASSURANCE MATCH FUND 57513

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. 57514
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Section 58.06. TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 57518

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 funds exist to do so without any corresponding decrease in other appropriation items. The Department of Job and Family Services shall provide the Director of Budget and Management and the Controlling Board with documentation to support the need for the 57519
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increased appropriation. 57527

All transfers of moneys from or charges against TANF Federal 57528
Block Grant awards for use in the Social Services Block Grant or 57529
the Child Care and Development Block Grant shall be done after the 57530
Department of Job and Family Services gives written notice to the 57531
Director of Budget and Management. The Department of Job and 57532
Family Services shall first provide the Director of Budget and 57533
Management with documentation to support the need for such 57534
transfers or charges for use in the Social Services Block Grant or 57535
in the Child Care and Development Block Grant. 57536

Before the thirtieth day of September of each fiscal year, 57537
the Department of Job and Family Services shall file claims with 57538
the United States Department of Health and Human Services for 57539
reimbursement for all allowable expenditures for services provided 57540
by the Department of Job and Family Services, or other agencies 57541
that may qualify for Social Services Block Grant funding pursuant 57542
to Title XX of the Social Security Act. 57543

Section 58.06a. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 57544

Of the foregoing appropriation item 600-659, TANF/Title XX 57545
(Fund 3W3), up to \$4,500,000 in each fiscal year shall be used by 57546
the Department of Job and Family Services to support expenditures 57547
to the Ohio Association of Second Harvest Food Banks according to 57548
the following criteria. 57549

As used in this section, "federal poverty guidelines" has the 57550
same meaning as in section 5101.46 of the Revised Code. 57551

The Department of Job and Family Services shall provide an 57552
annual grant of \$4,500,000 in each of the fiscal years 2004 and 57553
2005 to the Ohio Association of Second Harvest Food Banks. In each 57554
fiscal year, the Ohio Association of Second Harvest Food Banks 57555
shall use \$2,500,000 for the purchase of food products for the 57556

Ohio Food Program, of which up to \$105,000 may be used for food 57557
storage and transport, and shall use \$2,000,000 for the 57558
Agricultural Surplus Production Alliance Project. Funds provided 57559
for the Ohio Food Program shall be used to purchase food products 57560
and to distribute those food products to agencies participating in 57561
the emergency food distribution program. No funds provided through 57562
this grant may be used for administrative expenses other than 57563
funds provided for food storage and transport. As soon as possible 57564
after entering into a grant agreement at the beginning of each 57565
fiscal year, the Department of Job and Family Services shall 57566
distribute the grant funds in one single payment. The Ohio 57567
Association of Second Harvest Food Banks shall develop a plan for 57568
the distribution of the food products to local food distribution 57569
agencies. Agencies receiving these food products shall ensure that 57570
individuals and families who receive any of the food products 57571
purchased with these funds have an income at or below 150 per cent 57572
of the federal poverty guidelines. The Department of Job and 57573
Family Services and the Ohio Association of Second Harvest Food 57574
Banks shall agree on reporting requirements to be incorporated 57575
into the grant agreement. 57576

The Ohio Association of Second Harvest Food Banks shall 57577
return any fiscal year 2004 funds from this grant remaining 57578
unspent on June 30, 2004, to the Department of Job and Family 57579
Services not later than November 1, 2004. The Ohio Association of 57580
Second Harvest Food Banks shall return any fiscal year 2005 funds 57581
from the grant remaining unspent on June 30, 2005, to the 57582
Department of Job and Family Services no later than November 1, 57583
2005. 57584

Section 58.06b. ADULT PROTECTIVE SERVICES 57585

Of the foregoing appropriation item 600-659, TANF/Title XX 57586
(Fund 3W3), up to \$2,700,000 in each fiscal year shall be used by 57587

the Department of Job and Family Services to reimburse county departments of job and family services for all or part of the costs they incur in providing adult protective services pursuant to sections 5101.60 to 5101.71 of the Revised Code.

Section 58.07. 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. Moneys recovered by the Department pursuant to the Department's rights of recovery under section 5101.58 of the Revised Code, that are not directed to the Health Care Services Administration Fund (Fund 5U3) pursuant to section 5111.94 of the Revised Code shall also be deposited into Fund 5P5.

Section 58.08. 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 hereby 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 hereby appropriated.

Section 58.09. CONSOLIDATED FUNDING ALLOCATION FOR COUNTY

DEPARTMENTS OF JOB AND FAMILY SERVICES 57617

Using the foregoing appropriation items 600-521, Family 57618
Stability Subsidy; 600-659, TANF/Title XX; 600-610, Food Stamps 57619
and State Administration; 600-410, TANF State; 600-689, TANF Block 57620
Grant; 600-620, Social Services Block Grant; 600-523, Children and 57621
Families Subsidy; 600-413, Child Care Match/Maintenance of Effort; 57622
600-617, Child Care Federal; and 600-614, Refugees Services, the 57623
Department of Job and Family Services may establish a single 57624
allocation for county departments of job and family services. The 57625
county department is not required to use all the money from one or 57626
more of the appropriation items listed in this paragraph for the 57627
purpose for which the specific appropriation item is made so long 57628
as the county department uses the money for a purpose for which at 57629
least one of the other of those appropriation items is made. The 57630
county department may not use the money in the allocation for a 57631
purpose other than a purpose any of those appropriation items are 57632
made. If the spending estimates used in establishing the single 57633
allocation are not realized and the county department uses money 57634
in one or more of those appropriation items in a manner for which 57635
federal financial participation is not available, the department 57636
shall use state funds available in one or more of those 57637
appropriation items to ensure that the county department receives 57638
the full amount of its allocation. 57639

Section 58.10. TRANSFER OF FUNDS 57640

The Department of Job and Family Services shall transfer, 57641
through intrastate transfer vouchers, cash from State Special 57642
Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and 57643
Community-Based Services, in the Ohio Department of Mental 57644
Retardation and Developmental Disabilities. The sum of the 57645
transfers shall equal \$12,000,000 in fiscal year 2004 and 57646
\$12,000,000 in fiscal year 2005. The transfer may occur on a 57647

quarterly basis or on a schedule developed and agreed to by both departments. 57648
57649

The Department of Job and Family Services shall transfer, 57650
through intrastate transfer vouchers, cash from the State Special 57651
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 57652
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 57653
transfers shall be \$33,268,052 in fiscal year 2004 and \$33,263,984 57654
in fiscal year 2005. The transfer may occur on a quarterly basis 57655
or on a schedule developed and agreed to by both departments. 57656

TRANSFERS OF IMD/DSH CASH 57657

The Department of Job and Family Services shall transfer, 57658
through intrastate transfer voucher, cash from fund 5C9, Medicaid 57659
Program Support, to the Department of Mental Health's Fund 4X5, 57660
OhioCare, in accordance with an interagency agreement which 57661
delegates authority from the Department of Job and Family Services 57662
to the Department of Mental Health to administer specified 57663
Medicaid services. 57664

Section 58.11. EMPLOYER SURCHARGE 57665

The surcharge and the interest on the surcharge amounts due 57666
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 57667
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 57668
118th General Assembly, and section 4141.251 of the Revised Code 57669
as it existed prior to Sub. H.B. 478 of the 122nd General 57670
Assembly, again shall be assessed and collected by, accounted for, 57671
and made available to the Department of Job and Family Services in 57672
the same manner as set forth in section 4141.251 of the Revised 57673
Code as it existed prior to Sub. H.B. 478 of the 122nd General 57674
Assembly, notwithstanding the repeal of the surcharge for calendar 57675
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 57676
Assembly, except that amounts received by the Director on or after 57677
July 1, 2001, shall be deposited into the special administrative 57678

fund established pursuant to section 4141.11 of the Revised Code. 57679

Section 58.12. FUNDING FOR HABILITATIVE SERVICES 57680

Notwithstanding any limitations contained in sections 5112.31 57681
and 5112.37 of the Revised Code, in each fiscal year, cash from 57682
State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess 57683
of the amounts needed for transfers to Fund 4K8 may be used by the 57684
Department of Job and Family Services to cover costs of care 57685
provided to participants in a waiver with an ICF/MR level of care 57686
requirement administered by the Department of Job and Family 57687
Services. 57688

Section 58.13. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND 57689
THE OHIO ACCESS SUCCESS PROJECT 57690

Notwithstanding any limitations in sections 3721.51 and 57691
3721.56 of the Revised Code, in each fiscal year, cash from the 57692
State Special Revenue Fund 4J5, Home and Community-Based Services 57693
for the Aged, in excess of the amounts needed for the transfers 57694
may be used by the Department of Job and Family Services for the 57695
following purposes: (A) up to \$1.0 million in each fiscal year to 57696
fund the state share of audits of Medicaid cost reports filed with 57697
the Department of Job and Family Services by nursing facilities 57698
and intermediate care facilities for the mentally retarded; and 57699
(B) up to \$350,000 in fiscal year 2004 and up to \$350,000 in 57700
fiscal year 2005 to provide one-time transitional benefits under 57701
the Ohio Access Success Project that the Director of Job and 57702
Family Services may establish under section 5111.206 of the 57703
Revised Code. 57704

Section 58.14. REFUND OF SETS PENALTY 57705

The Department of Job and Family Services shall deposit any 57706
refunds for penalties that were paid directly or indirectly by the 57707

state for the Support Enforcement Tracking System (SETS) to Fund 57708
3V6, TANF Block Grant. 57709

Section 58.15. PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY 57710

The Director of Job and Family Services may submit to the 57711
United States Secretary of Health and Human Services a request to 57712
transfer the day-to-day administration of the Program of 57713
All-Inclusive Care for the Elderly, known as PACE, in accordance 57714
with 42 U.S.C. 1396u-4, to the Department of Aging. If the United 57715
States Secretary approves the transfer, the Directors of Job and 57716
Family Services and Aging may enter into an interagency agreement 57717
under section 5111.86 of the Revised Code to transfer 57718
responsibility for the day-to-day administration of PACE from the 57719
Department of Job and Family Services to the Department of Aging. 57720
The interagency agreement is subject to the approval of the 57721
Director of Budget and Management and shall include an estimated 57722
cost of services to be provided under PACE and an estimated cost 57723
for the administrative duties assigned by the agreement to the 57724
Department of Aging. 57725

If the Directors of Job and Family Services and Aging enter 57726
into the interagency agreement, the Director of Budget and 57727
Management shall reduce the amount in appropriation item 600-525, 57728
Health Care/Medicaid, by the estimated costs of PACE. If the 57729
Director of Budget and Management makes the reduction, the state 57730
and federal share of the estimated costs of PACE services and 57731
administration is hereby appropriated to the Department of Aging. 57732
The Director of Budget and Management shall establish a new 57733
appropriation item for the appropriation. 57734

Section 58.16. MEDICAID ELIGIBILITY REDUCTIONS 57735

The Director of Job and Family Services shall, not later than 57736
ninety days after the effective date of this section, submit to 57737

the United States Secretary of Health and Human Services an 57738
amendment to the state Medicaid plan to eliminate the expansion of 57739
eligibility required by the version of section 5111.019 of the 57740
Revised Code that existed prior to the amendment made by this act. 57741
The reduction in eligibility mandated by this section shall be 57742
implemented not earlier than October 1, 2003, and not later than 57743
the effective date of federal approval. 57744

Section 58.17. ASSISTED LIVING WAIVER 57745

If the Directors of Job and Family Services and Aging enter 57746
into the interagency agreement, the Director of Budget and 57747
Management shall reduce the appropriation in appropriation item 57748
600-525 by the amount that the Department of Job and Family 57749
Services estimates its spending will be reduced as a result of the 57750
transfer of persons approved for the budget-neutral Medicaid home 57751
and community-based services for assisted living services waiver. 57752
If the Director of Budget and Management makes the reduction, the 57753
state and federal share of the estimated costs of assisted living 57754
services is hereby appropriated to the Department of Aging. The 57755
Director of Budget and Management shall establish appropriation 57756
items for the appropriations. 57757

Section 58.18. APPROPRIATIONS FROM FUND 3V0 57758

Upon the request of the Department of Job and Family 57759
Services, the Director of Budget and Management may increase 57760
appropriations in either appropriation item 600-662, WIA Ohio 57761
Option #7, Fund 3V0 or in appropriation item 600-688, Workforce 57762
Investment Act, Fund 3V0, with a corresponding decrease in the 57763
other appropriation item supported by Fund 3V0 to allow counties 57764
that administer the Workforce Investment Act as a conventional 57765
county to administer the Act as an Ohio Option county or to allow 57766
counties that administer the Workforce Investment Act as an Ohio 57767

Option county to administer the Act as a conventional county. 57768

Section 58.19. FEDERAL UNEMPLOYMENT PROGRAMS 57769

There is hereby appropriated out of funds made available to 57770
the state under section 903(d) of the Social Security Act, as 57771
amended, \$53,700,000 for fiscal year 2004 and \$47,300,000 for 57772
fiscal year 2005. Upon the request of the Director of Job and 57773
Family Services, the Director of Budget and Management shall 57774
increase the appropriation for fiscal year 2004 by the amount 57775
remaining unspent from the fiscal year 2003 appropriation and 57776
shall increase the appropriation for fiscal year 2005 by the 57777
amount remaining unspent from the fiscal year 2004 appropriation. 57778
The appropriation is to be used under the direction of the 57779
Department of Job and Family Services to pay for administrative 57780
activities for the Unemployment Insurance Program, employment 57781
services, and other allowable expenditures under section 903(d) of 57782
the Social Security Act, as amended. 57783

The amounts obligated pursuant to this section shall not 57784
exceed at any time the amount by which the aggregate of the 57785
amounts transferred to the account of the state pursuant to 57786
section 903(d) of the Social Security Act, as amended, exceeds the 57787
aggregate of the amounts obligated for administration and paid out 57788
for benefits and required by law to be charged against the amounts 57789
transferred to the account of the state. 57790

Of the appropriation item 600-678, Federal Unemployment 57791
Programs, in Section 63 of Am. Sub. H.B. 94 of the 124th General 57792
Assembly, as amended, up to \$18,000,000 in fiscal year 2004 and up 57793
to \$18,000,000 in fiscal year 2005 shall be used by the Department 57794
of Job and Family Services to reimburse the General Revenue Fund, 57795
through state intrastate transfer vouchers, for expenses incurred 57796
on or after the effective date of this section from the General 57797
Revenue Fund for the aforementioned programs as reported to the 57798

federal government as allowable expenditures. 57799

Section 58.20. MEDICAID PAYMENT TO CHILDREN'S HOSPITALS 57800

As used in this section, "children's hospital" has the same 57801
meaning as in section 3702.51 of the Revised Code. 57802

For fiscal years 2004 and 2005, the Medicaid payment to 57803
children's hospitals shall include the adjustment for inflation 57804
provided for by paragraph (G) of rule 5101:3-2-074 of the 57805
Administrative Code as that paragraph existed on December 30, 57806
2002. 57807

The Department of Job and Family Services shall pay to each 57808
children's hospital participating in the Medicaid program an 57809
amount equal to the difference between (1) the amount the hospital 57810
would have been paid under rule 5101:3-2-074 of the Administrative 57811
Code for the period beginning January 1, 2003, and ending May 31, 57812
2003, if the amendment to paragraph (G) of that rule that went 57813
into effect on December 31, 2002, had not gone into effect and (2) 57814
the amount that the hospital was paid under that rule for that 57815
period. 57816

Section 58.21. HEAD START 57817

The Department of Job and Family Services, before September 57818
30, 2003, shall transfer \$101,200,000 from the TANF Block Grant to 57819
the Child Care and Development Fund, and before September 30, 57820
2004, shall transfer \$103,184,000 from the TANF Block Grant to the 57821
Child Care and Development Fund. In each fiscal year, these funds 57822
shall be transferred to appropriation item 200-663, Head Start 57823
Plus/Head Start (Fund 5W2), in the Department of Education. 57824

Notwithstanding anything to the contrary in sections 3301.31 57825
to 3301.37 of the Revised Code, eligibility and service 57826
restrictions of Title IV-A of the Social Security Act shall not 57827
apply to the Head Start and Head Start Plus programs created by 57828

those sections. To the fullest extent possible, the Head Start 57829
Plus/Head Start Program shall be funded through this transfer of 57830
TANF Block Grant funds to the Child Care and Development Fund, 57831
provided that the actions of the Department of Job and Family 57832
Services and the Department of Education do not conflict with 57833
applicable federal statutes, if any. 57834

The Head Start Plus/Head Start Program shall be administered 57835
by the Department of Education in accordance with an interagency 57836
agreement entered into with the Department of Job and Family 57837
Services, and in accordance with the terms of section 5104.30 of 57838
the Revised Code, as amended by this act. The agreement shall 57839
specify audit and reporting requirements applicable to the use of 57840
moneys from the Child Care and Development Fund. 57841

Section 59. JCO JUDICIAL CONFERENCE OF OHIO 57842

General Revenue Fund 57843

GRF 018-321 Operating Expenses	\$	962,000	\$	957,000	57844
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TOTAL GRF General Revenue Fund	\$	962,000	\$	957,000	57845
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General Services Fund Group 57846

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	57847
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TOTAL GSF General Services Fund	\$	200,000	\$	200,000	57848
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,162,000	\$	1,157,000	57849
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STATE COUNCIL OF UNIFORM STATE LAWS 57850

Notwithstanding section 105.26 of the Revised Code, of the 57851
foregoing appropriation item 018-321, Operating Expenses, up to 57852
\$63,000 in fiscal year 2004 and up to \$66,000 in fiscal year 2005 57853
may be used to pay the expenses of the State Council of Uniform 57854
State Laws, including membership dues to the National Conference 57855
of Commissioners on Uniform State Laws. 57856

OHIO JURY INSTRUCTIONS FUND 57857

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 educational 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 2004 and in excess of \$200,000 in fiscal year 2005 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 60. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund				57873	
GRF 005-321 Operating Expenses -	\$	113,846,495	\$	118,617,425	57874
Judiciary/Supreme Court					
GRF 005-401 State Criminal Sentencing Council	\$	346,194	\$	356,371	57875
TOTAL GRF General Revenue Fund	\$	114,192,689	\$	118,973,796	57876
General Services Fund Group					57877
672 005-601 Continuing Judicial Education	\$	126,000	\$	120,000	57878
TOTAL GSF General Services Fund Group	\$	126,000	\$	120,000	57879
Federal Special Revenue Fund Group					57880
3J0 005-603 Federal Grants	\$	1,030,061	\$	1,030,061	57881
TOTAL FED Federal Special Revenue	\$	1,030,061	\$	1,030,061	57882

Fund Group

State Special Revenue Fund Group				57883
4C8 005-605 Attorney Registration	\$	2,332,733	\$ 2,495,171	57884
5T8 005-609 Grants and Awards	\$	33,296	\$ 33,296	57885
6A8 005-606 Supreme Court	\$	1,230,514	\$ 1,267,428	57886
Admissions				
643 005-607 Commission on	\$	568,788	\$ 587,210	57887
Continuing Legal				
Education				
TOTAL SSR State Special Revenue	\$	4,165,331	\$ 4,383,105	57888

Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	119,514,081	\$ 124,506,962	57889
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CONTINUING JUDICIAL EDUCATION 57890

The Continuing Judicial Education Fund (Fund 672) shall 57891
 consist of fees paid by judges and court personnel for attending 57892
 continuing education courses and other gifts and grants received 57893
 for the purpose of continuing judicial education. The foregoing 57894
 appropriation item 005-601, Continuing Judicial Education, shall 57895
 be used to pay expenses for continuing education courses for 57896
 judges and court personnel. If it is determined by the 57897
 Administrative Director of the Supreme Court that additional 57898
 appropriations are necessary, the amounts are hereby appropriated. 57899

No money in the Continuing Judicial Education Fund shall be 57900
 transferred to any other fund by the Director of Budget and 57901
 Management or the Controlling Board. Interest earned on moneys in 57902
 the Continuing Judicial Education Fund shall be credited to the 57903
 fund. 57904

FEDERAL GRANTS 57905

The Federal Grants Fund (Fund 3J0) shall consist of grants 57906
 and other moneys awarded to the Supreme Court (The Judiciary) by 57907
 the United States Government or other entities that receive the 57908

moneys directly from the United States Government and distribute 57909
those moneys to the Supreme Court (The Judiciary). The foregoing 57910
appropriation item 005-603, Federal Grants, shall be used in a 57911
manner consistent with the purpose of the grant or award. If it is 57912
determined by the Administrative Director of the Supreme Court 57913
that additional appropriations are necessary, the amounts are 57914
hereby appropriated. 57915

No money in the Federal Grants Fund shall be transferred to 57916
any other fund by the Director of Budget and Management or the 57917
Controlling Board. However, interest earned on moneys in the 57918
Federal Grants Fund shall be credited or transferred to the 57919
General Revenue Fund. 57920

ATTORNEY REGISTRATION 57921

In addition to funding other activities considered 57922
appropriate by the Supreme Court, the foregoing appropriation item 57923
005-605, Attorney Registration, may be used to compensate 57924
employees and fund the appropriate activities of the following 57925
offices established by the Supreme Court pursuant to the Rules for 57926
the Government of the Bar of Ohio: the Office of Disciplinary 57927
Counsel, the Board of Commissioners on Grievances and Discipline, 57928
the Clients' Security Fund, the Board of Commissioners on the 57929
Unauthorized Practice of Law, and the Office of Attorney 57930
Registration. If it is determined by the Administrative Director 57931
of the Supreme Court that additional appropriations are necessary, 57932
the amounts are hereby appropriated. 57933

No moneys in the Attorney Registration Fund shall be 57934
transferred to any other fund by the Director of Budget and 57935
Management or the Controlling Board. Interest earned on moneys in 57936
the Attorney Registration Fund shall be credited to the fund. 57937

GRANTS AND AWARDS 57938

The Grants and Awards Fund (Fund 5T8) shall consist of grants 57939

and other moneys awarded to the Supreme Court (The Judiciary) by 57940
the State Justice Institute, the Office of Criminal Justice 57941
Services, or other entities. The foregoing appropriation item 57942
005-609, Grants and Awards, shall be used in a manner consistent 57943
with the purpose of the grant or award. If it is determined by the 57944
Administrative Director of the Supreme Court that additional 57945
appropriations are necessary, the amounts are hereby appropriated. 57946

No moneys in the Grants and Awards Fund shall be transferred 57947
to any other fund by the Director of Budget and Management or the 57948
Controlling Board. However, interest earned on moneys in the 57949
Grants and Awards Fund shall be credited or transferred to the 57950
General Revenue Fund. 57951

SUPREME COURT ADMISSIONS 57952

The foregoing appropriation item 005-606, Supreme Court 57953
Admissions, shall be used to compensate Supreme Court employees 57954
who are primarily responsible for administering the attorney 57955
admissions program, pursuant to the Rules for the Government of 57956
the Bar of Ohio, and to fund any other activities considered 57957
appropriate by the court. Moneys shall be deposited into the 57958
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 57959
Court Rules for the Government of the Bar of Ohio. If it is 57960
determined by the Administrative Director of the Supreme Court 57961
that additional appropriations are necessary, the amounts are 57962
hereby appropriated. 57963

No moneys in the Supreme Court Admissions Fund shall be 57964
transferred to any other fund by the Director of Budget and 57965
Management or the Controlling Board. Interest earned on moneys in 57966
the Supreme Court Admissions Fund shall be credited to the fund. 57967

CONTINUING LEGAL EDUCATION 57968

The foregoing appropriation item 005-607, Commission on 57969
Continuing Legal Education, shall be used to compensate employees 57970

of the Commission on Continuing Legal Education, established 57971
pursuant to the Supreme Court Rules for the Government of the Bar 57972
of Ohio, and to fund other activities of the commission considered 57973
appropriate by the court. If it is determined by the 57974
Administrative Director of the Supreme Court that additional 57975
appropriations are necessary, the amounts are hereby appropriated. 57976

No moneys in the Continuing Legal Education Fund shall be 57977
transferred to any other fund by the Director of Budget and 57978
Management or the Controlling Board. Interest earned on moneys in 57979
the Continuing Legal Education Fund shall be credited to the fund. 57980

Section 61. LEC LAKE ERIE COMMISSION 57981

State Special Revenue Fund Group 57982

4C0 780-601 Lake Erie Protection \$ 1,070,975 \$ 1,070,975 57983
Fund

5D8 780-602 Lake Erie Resources \$ 689,004 \$ 689,004 57984
Fund

TOTAL SSR State Special Revenue 57985

Fund Group \$ 1,759,979 \$ 1,759,979 57986

TOTAL ALL BUDGET FUND GROUPS \$ 1,759,979 \$ 1,759,979 57987

CASH TRANSFER 57988

Not later than the thirtieth day of November of each fiscal 57989
year, the Executive Director of the Ohio Lake Erie Office, with 57990
the approval of the Lake Erie Commission, shall certify to the 57991
Director of Budget and Management the cash balance in the Lake 57992
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 57993
operating expenses of the Lake Erie Office. The Ohio Lake Erie 57994
Office may request the Director of Budget and Management to 57995
transfer up to the certified amount from the Lake Erie Resources 57996
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The 57997
Director of Budget and Management may transfer the requested 57998
amount, or the Director may transfer a different amount up to the 57999

certified amount. Cash transferred shall be used for the purposes 58000
 described in division (A) of section 1506.23 of the Revised Code. 58001
 The amount transferred by the director is appropriated to the 58002
 foregoing appropriation item 780-601, Lake Erie Protection Fund, 58003
 which shall be increased by the amount transferred. 58004

Section 62. LRS LEGAL RIGHTS SERVICE 58005

General Revenue Fund 58006

GRF 054-100	Personal Services	\$	193,514	\$	193,514	58007
GRF 054-200	Maintenance	\$	33,938	\$	33,938	58008
GRF 054-300	Equipment	\$	1,856	\$	1,856	58009
GRF 054-401	Ombudsman	\$	291,247	\$	291,247	58010
TOTAL GRF	General Revenue Fund	\$	520,555	\$	520,555	58011

General Services Fund Group 58012

416 054-601	Gifts and Donations	\$	1,352	\$	1,352	58013
5M0 054-610	Settlements	\$	75,000	\$	75,000	58014
TOTAL GSF	General Services					58015
Fund Group		\$	76,352	\$	76,352	58016

Federal Special Revenue Fund Group 58017

3B8 054-603	Protection and Advocacy - Mentally Ill	\$	1,018,279	\$	1,018,279	58018
3N3 054-606	Protection and Advocacy - Individual Rights	\$	507,648	\$	507,648	58019
3N9 054-607	Assistive Technology	\$	50,000	\$	50,000	58020
3R9 054-604	Family Support Collaborative	\$	242,500	\$	242,500	58021
3T2 054-609	Client Assistance Program	\$	404,807	\$	404,807	58022
3X1 054-611	Protection and Advocacy for	\$	187,784	\$	187,784	58023

	Beneficiaries of					
	Social Security					
3Z6	054-612	Traumatic Brain Injury	\$	50,000	\$ 50,000	58024
305	054-602	Protection and	\$	1,280,363	\$ 1,280,363	58025
		Advocacy -				
		Developmentally				
		Disabled				
TOTAL FED	Federal Special Revenue					58026
Fund Group			\$	3,741,381	\$ 3,741,381	58027
TOTAL ALL BUDGET FUND GROUPS			\$	4,338,288	\$ 4,338,288	58028

Section 63. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 58030

	General Revenue Fund					58031
GRF	028-321	Legislative Ethics	\$	550,000	\$ 550,000	58032
		Committee				
TOTAL GRF	General Revenue Fund		\$	550,000	\$ 550,000	58033
TOTAL ALL BUDGET FUND GROUPS			\$	550,000	\$ 550,000	58034

TRANSFER OF FUNDS TO GRF 58035

On July 1, 2003, or as soon thereafter as possible, the 58036
 Director of Budget and Management shall transfer 50 per cent of 58037
 the cash balance in the Joint Legislative Ethics Committee Fund 58038
 (Fund 4G7) to the General Revenue Fund. On July 1, 2004, or as 58039
 soon thereafter as possible, the Director of Budget and Management 58040
 shall transfer all of the remaining cash balance in the Joint 58041
 Legislative Ethics Committee Fund (Fund 4G7) to the General 58042
 Revenue Fund. 58043

Section 64. LSC LEGISLATIVE SERVICE COMMISSION 58044

	General Revenue Fund					58045
GRF	035-321	Operating Expenses	\$	14,065,000	\$ 14,900,000	58046
GRF	035-402	Legislative Interns	\$	975,000	\$ 990,000	58047
GRF	035-404	Legislative Office of	\$	1,205,000	\$ 1,256,427	58048

	Education Oversight				
GRF 035-406	ATMS Replacement	\$	20,000	\$	20,000
	Project				58049
GRF 035-407	Legislative Task Force	\$	100,000	\$	0
	on Redistricting				58050
GRF 035-409	National Associations	\$	430,000	\$	441,000
GRF 035-410	Legislative	\$	3,624,200	\$	3,624,200
	Information Systems				58052
TOTAL GRF	General Revenue Fund	\$	20,419,200	\$	21,231,627
	General Services Fund Group				58053
4F6 035-603	Legislative Budget	\$	149,350	\$	152,337
	Services				58055
410 035-601	Sale of Publications	\$	25,000	\$	25,000
TOTAL GSF	General Services				58056
Fund Group		\$	174,350	\$	177,337
TOTAL ALL BUDGET FUND GROUPS		\$	20,593,550	\$	21,408,964
	ATMS REPLACEMENT PROJECT				58057
	Of the foregoing appropriation item 035-406, ATMS Replacement				58058
	Project, any amounts not used for the ATMS project may be used to				58059
	pay the operating expenses of the Legislative Service Commission.				58060
	Section 65. LIB STATE LIBRARY BOARD				58061
	General Revenue Fund				58062
GRF 350-321	Operating Expenses	\$	6,700,721	\$	6,700,721
GRF 350-400	Ohio Public Library	\$	0	\$	5,000,000
	Information Network				58063
GRF 350-401	Ohioana Rental	\$	124,816	\$	124,816
	Payments				58064
GRF 350-501	Cincinnati Public	\$	467,531	\$	467,531
	Library				58065
GRF 350-502	Regional Library	\$	1,104,374	\$	1,104,374
	Systems				58066

GRF 350-503 Cleveland Public Library	\$	703,234	\$	703,234	58071
TOTAL GRF General Revenue Fund	\$	9,100,676	\$	14,100,676	58072
General Services Fund Group					58073
139 350-602 Intra-Agency Service Charges	\$	9,000	\$	9,000	58074
4S4 350-604 OPLIN Technology	\$	6,450,000	\$	1,000,000	58075
459 350-602 Interlibrary Service Charges	\$	2,759,661	\$	2,809,661	58076
TOTAL GSF General Services Fund Group	\$	9,218,661	\$	3,818,661	58077
Federal Special Revenue Fund Group					58078
313 350-601 LSTA Federal	\$	5,541,647	\$	5,541,647	58079
TOTAL FED Federal Special Revenue Fund Group	\$	5,541,647	\$	5,541,647	58080
TOTAL ALL BUDGET FUND GROUPS	\$	23,860,984	\$	23,460,984	58081
OHIOANA RENTAL PAYMENTS					58082
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.					58083
REGIONAL LIBRARY SYSTEMS					58084
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.					58085
OHIO PUBLIC LIBRARY INFORMATION NETWORK					58086
The foregoing appropriation items 350-604, OPLIN Technology, and, in fiscal year 2005, 350-400, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as					58087

may be certified as participants by the Ohio Public Library 58098
Information Network Board. 58099

The Ohio Public Library Information Network Board shall 58100
consist of eleven members appointed by the State Library Board 58101
from among the staff of public libraries and past and present 58102
members of boards of trustees of public libraries, based on the 58103
recommendations of the Ohio library community. The Ohio Public 58104
Library Information Network Board, in consultation with the State 58105
Library, shall develop a plan of operations for the network. The 58106
board may make decisions regarding use of the foregoing OPLIN 58107
appropriation items 350-604 and may receive and expend grants to 58108
carry out the operations of the network in accordance with state 58109
law and the authority to appoint and fix the compensation of a 58110
director and necessary staff. The State Library shall be the 58111
fiscal agent for the network and shall have fiscal accountability 58112
for the expenditure of funds. The Ohio Public Library Information 58113
Network Board members shall be reimbursed for actual travel and 58114
necessary expenses incurred in carrying out their 58115
responsibilities. 58116

In order to limit access to obscene and illegal materials 58117
through internet use at Ohio Public Library Information Network 58118
(OPLIN) terminals, local libraries with OPLIN computer terminals 58119
shall adopt policies that control access to obscene and illegal 58120
materials. These policies may include use of technological systems 58121
to select or block certain internet access. The OPLIN shall 58122
condition provision of its funds, goods, and services on 58123
compliance with these policies. The OPLIN Board shall also adopt 58124
and communicate specific recommendations to local libraries on 58125
methods to control such improper usage. These methods may include 58126
each library implementing a written policy controlling such 58127
improper use of library terminals and requirements for parental 58128
involvement or written authorization for juvenile internet usage. 58129

The OPLIN Board shall research and assist or advise local libraries with regard to 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 the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

The Ohio Public Library Information Network, InfoOhio, and OhioLink shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer up to \$5,000,000 in fiscal year 2004 from the Library and Local Government Support Fund (Fund 065) to the OPLIN Technology Fund (Fund 4S4).

Section 66. LCO LIQUOR CONTROL COMMISSION

Liquor Control Fund Group				58155
043 970-321 Operating Expenses	\$	779,886	\$	794,387
TOTAL LCF Liquor Control Fund Group	\$	779,886	\$	794,387
TOTAL ALL BUDGET FUND GROUPS	\$	779,886	\$	794,387

COMPUTER EQUIPMENT

58159

Of the foregoing appropriation item 970-321, Operating 58160
Expenses, \$27,700 in fiscal year 2004 and \$4,500 in fiscal year 58161
2005 shall be used for computer equipment. 58162

Section 67. LOT STATE LOTTERY COMMISSION 58163

State Lottery Fund Group 58164

044 950-100 Personal Services \$ 25,114,200 \$ 25,133,314 58165

044 950-200 Maintenance \$ 20,100,168 \$ 20,120,268 58166

044 950-300 Equipment \$ 3,067,250 \$ 3,113,259 58167

044 950-402 Game and Advertising \$ 68,683,000 \$ 68,683,000 58168

Contracts

044 950-500 Problem Gambling \$ 335,000 \$ 335,000 58169

Subsidy

044 950-601 Prizes, Bonuses, and \$ 166,173,455 \$ 166,173,455 58170

Commissions

871 950-602 Annuity Prizes \$ 162,228,451 \$ 162,185,260 58171

TOTAL SLF State Lottery Fund 58172

Group \$ 445,701,524 \$ 445,743,556 58173

TOTAL ALL BUDGET FUND GROUPS \$ 445,701,524 \$ 445,743,556 58174

OPERATING EXPENSES 58175

The Controlling Board may, at the request of the State 58176

Lottery Commission, authorize additional appropriations for 58177

operating expenses of the State Lottery Commission from the State 58178

Lottery Fund up to a maximum of 15 per cent of anticipated total 58179

revenue accruing from the sale of lottery tickets. 58180

PRIZES, BONUSSES, AND COMMISSIONS 58181

Any amounts, in addition to the amounts appropriated in 58182

appropriation item 950-601, Prizes, Bonuses, and Commissions, that 58183

are determined by the Director of the State Lottery Commission to 58184

be necessary to fund prizes, bonuses, and commissions are hereby 58185

appropriated. 58186

ANNUITY PRIZES	58187
With the approval of the Office of Budget and Management, the	58188
State Lottery Commission shall transfer cash from the State	58189
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund	58190
(Fund 871) in an amount sufficient to fund deferred prizes. The	58191
Treasurer of State, from time to time, shall credit the Deferred	58192
Prizes Trust Fund (Fund 871) the pro rata share of interest earned	58193
by the Treasurer of State on invested balances.	58194
Any amounts, in addition to the amounts appropriated in	58195
appropriation item 950-602, Annuity Prizes, that are determined by	58196
the Director of the State Lottery Commission to be necessary to	58197
fund deferred prizes and interest earnings are hereby	58198
appropriated.	58199
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	58200
The Ohio Lottery Commission shall transfer an amount greater	58201
than or equal to \$637,900,000 in fiscal year 2004 and \$637,900,000	58202
in fiscal year 2005 to the Lottery Profits Education Fund.	58203
Transfers from the Commission to the Lottery Profits Education	58204
Fund shall represent the estimated net income from operations for	58205
the Commission in fiscal year 2004 or fiscal year 2005. Transfers	58206
by the Commission to the Lottery Profits Education Fund shall be	58207
administered in accordance with and pursuant to the Revised Code.	58208
The unencumbered and unallotted balances as of June 30, 2003, in	58209
the Unclaimed Prize Fund (Fund 872), are hereby transferred to the	58210
State Lottery Fund Group (Fund 044).	58211
Section 68. MED STATE MEDICAL BOARD	58212
General Services Fund Group	58213
5C6 883-609 State Medical Board \$ 7,199,162 \$ 7,302,330	58214
Operating	
TOTAL GSF General Services	58215

Fund Group	\$	7,119,162	\$	7,302,330	58216
TOTAL ALL BUDGET FUND GROUPS	\$	7,119,162	\$	7,302,330	58217

Section 69. DMH DEPARTMENT OF MENTAL HEALTH 58219

Division of General Administration Intragovernmental Service Fund 58220

Group 58221

151 235-601 General Administration	\$	85,181,973	\$	85,181,973	58222
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TOTAL ISF Intragovernmental 58223

Service Fund Group	\$	85,181,973	\$	85,181,973	58224
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Division of Mental Health-- 58225

Psychiatric Services to Correctional Facilities 58226

General Revenue Fund 58227

GRF 332-401 Forensic Services	\$	4,152,291	\$	4,152,291	58228
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TOTAL GRF General Revenue Fund	\$	4,152,291	\$	4,152,291	58229
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TOTAL ALL BUDGET FUND GROUPS	\$	89,334,264	\$	89,334,264	58230
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FORENSIC SERVICES 58231

The foregoing appropriation item 322-401, Forensic Services, 58232

shall be used to provide psychiatric services to courts of common 58233

pleas. The appropriation shall be allocated through community 58234

mental health boards to certified community agencies and shall be 58235

distributed according to the criteria delineated in rule 58236

5122:4-1-01 of the Administrative Code. These community forensic 58237

funds may also be used to provide forensic training to community 58238

mental health boards and to forensic psychiatry residency programs 58239

in hospitals operated by the Department of Mental Health and to 58240

provide evaluations of patients of forensic status in facilities 58241

operated by the Department of Mental Health prior to conditional 58242

release to the community. 58243

In addition, appropriation item 332-401, Forensic Services, 58244

may be used to support projects involving mental health, substance 58245

abuse, courts, and law enforcement to identify and develop 58246

appropriate alternative services to institutionalization for				58247
nonviolent mentally ill offenders, and to provide linkage to				58248
community services for severely mentally disabled offenders				58249
released from institutions operated by the Department of				58250
Rehabilitation and Correction. Funds may also be utilized to				58251
provide forensic monitoring and tracking in addition to community				58252
programs serving persons of forensic status on conditional release				58253
or probation.				58254
Division of Mental Health--				58255
Administration and Statewide Programs				58256
General Revenue Fund				58257
GRF 333-321 Central Administration	\$	22,000,000	\$ 22,000,000	58258
GRF 333-402 Resident Trainees	\$	1,330,796	\$ 1,330,796	58259
GRF 333-403 Pre-Admission	\$	633,882	\$ 633,882	58260
Screening Expenses				
GRF 333-415 Lease-Rental Payments	\$	25,935,650	\$ 23,206,750	58261
GRF 333-416 Research Program	\$	810,289	\$ 810,289	58262
Evaluation				
TOTAL GRF General Revenue Fund	\$	50,710,617	\$ 50,710,617	58263
General Services Fund Group				58264
149 333-609 Central Office Rotary	\$	1,087,454	\$ 1,103,578	58265
- Operating				
TOTAL General Services Fund Group	\$	1,087,454	\$ 1,103,578	58266
Federal Special Revenue Fund Group				58267
3A7 333-612 Social Services Block	\$	25,000	\$ 0	58268
Grant				
3A8 333-613 Federal Grant -	\$	57,470	\$ 57,984	58269
Administration				
3A9 333-614 Mental Health Block	\$	827,363	\$ 835,636	58270
Grant				
3B1 333-635 Community Medicaid	\$	4,126,430	\$ 4,145,222	58271
Expansion				

324 333-605 Medicaid/Medicare	\$	523,761	\$	514,923	58272
TOTAL Federal Special Revenue					58273
Fund Group	\$	5,560,024	\$	5,553,765	58274
State Special Revenue Fund Group					58275
4X5 333-607 Behavioral Health	\$	2,913,327	\$	3,000,634	58276
Medicaid Services					
485 333-632 Mental Health	\$	134,233	\$	134,233	58277
Operating					
5M2 333-602 PWLC Campus	\$	200,000	\$	200,000	58278
Improvement					
TOTAL State Special Revenue					58279
Fund Group	\$	3,247,560	\$	3,334,867	58280
TOTAL ALL BUDGET FUND GROUPS	\$	61,656,091	\$	60,394,343	58281

RESIDENCY TRAINEESHIP PROGRAMS 58282

The foregoing appropriation item 333-402, Resident Trainees, 58283
shall be used to fund training agreements entered into by the 58284
Department of Mental Health for the development of curricula and 58285
the provision of training programs to support public mental health 58286
services. 58287

PRE-ADMISSION SCREENING EXPENSES 58288

The foregoing appropriation item 333-403, Pre-Admission 58289
Screening Expenses, shall be used to pay for costs to ensure that 58290
uniform statewide methods for pre-admission screening are in place 58291
to perform assessments for persons in need of mental health 58292
services or for whom institutional placement in a hospital or in 58293
another inpatient facility is sought. Pre-admission screening 58294
includes the following activities: pre-admission assessment, 58295
consideration of continued stay requests, discharge planning and 58296
referral, and adjudication of appeals and grievance procedures. 58297

LEASE-RENTAL PAYMENTS 58298

The foregoing appropriation item 333-415, Lease-Rental 58299

Payments, shall be used to meet all payments at the times they are 58300
 required to be made during the period from July 1, 2003, to June 58301
 30, 2005, by the Department of Mental Health pursuant to leases 58302
 and agreements made under section 154.20 of the Revised Code, but 58303
 limited to the aggregate amount of \$49,142,400. Nothing in this 58304
 act shall be deemed to contravene the obligation of the state to 58305
 pay, without necessity for further appropriation, from the sources 58306
 pledged thereto, the bond service charges on obligations issued 58307
 pursuant to section 154.20 of the Revised Code. 58308

Section 69.01. DIVISION OF MENTAL HEALTH - HOSPITALS 58309

General Revenue Fund 58310

GRF 334-408 Community and Hospital \$ 373,216,546 \$ 383,293,392 58311

Mental Health Services

GRF 334-506 Court Costs \$ 926,461 \$ 926,461 58312

TOTAL GRF General Revenue Fund \$ 374,143,007 \$ 384,219,853 58313

General Services Fund Group 58314

149 334-609 Hospital Rotary - \$ 22,908,053 \$ 24,408,053 58315

Operating Expenses

150 334-620 Special Education \$ 120,930 \$ 120,930 58316

TOTAL GSF General Services 58317

Fund Group \$ 23,028,983 \$ 24,528,983 58318

Federal Special Revenue Fund Group 58319

3B0 334-617 Elementary and \$ 248,644 \$ 251,866 58320

Secondary Education

Act

3B1 334-635 Hospital Medicaid \$ 2,000,000 \$ 2,000,000 58321

Expansion

324 334-605 Medicaid/Medicare \$ 10,484,944 \$ 10,916,925 58322

TOTAL FED Federal Special Revenue 58323

Fund Group \$ 12,733,588 \$ 13,168,791 58324

State Special Revenue Fund Group 58325

485	334-632	Mental Health	\$	2,387,253	\$	2,476,297	58326
		Operating					
5L2	334-619	Health	\$	26,000	\$	0	58327
		Foundation/Greater					
		Cincinnati					
692	334-636	Community Mental	\$	100,000	\$	100,000	58328
		Health Board Risk Fund					
TOTAL SSR State Special Revenue							58329
Fund Group			\$	2,487,253	\$	2,576,297	58330
TOTAL ALL BUDGET FUND GROUPS							58331
COMMUNITY MENTAL HEALTH BOARD RISK FUND							58332
The foregoing appropriation item 334-636, Community Mental							58333
Health Board Risk Fund, shall be used to make payments pursuant to							58334
section 5119.62 of the Revised Code.							58335
Section 69.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT							58336
SERVICES							58337
General Revenue Fund							58338
GRF	335-419	Community Medication	\$	7,509,010	\$	7,509,010	58339
		Subsidy					
GRF	335-505	Local MH Systems of	\$	89,687,868	\$	89,687,868	58340
		Care					
TOTAL GRF General Revenue Fund							58341
General Services Fund Group							58342
4P9	335-604	Community Mental	\$	200,000	\$	200,000	58343
		Health Projects					
TOTAL GSF General Services							58344
Fund Group			\$	200,000	\$	200,000	58345
Federal Special Revenue Fund Group							58346
3A7	335-612	Social Services Block	\$	9,314,108	\$	9,314,108	58347
		Grant					

3A8	335-613	Federal Grant - Community Mental Health Board Subsidy	\$	1,717,040	\$	1,717,040	58348
3A9	335-614	Mental Health Block Grant	\$	16,887,218	\$	17,056,090	58349
3B1	335-635	Community Medicaid Expansion	\$	220,472,136	\$	237,766,721	58350
TOTAL FED	Federal Special Revenue Fund Group		\$	248,390,502	\$	265,853,959	58351
	State Special Revenue Fund Group						58352
632	335-616	Community Capital Replacement	\$	250,000	\$	250,000	58353
TOTAL SSR	State Special Revenue Fund Group		\$	250,000	\$	250,000	58354
TOTAL ALL BUDGET FUND GROUPS			\$	346,037,380	\$	363,500,837	58355
DEPARTMENT TOTAL							58356
GENERAL REVENUE FUND			\$	526,202,793	\$	533,550,739	58357
DEPARTMENT TOTAL							58358
GENERAL SERVICES FUND GROUP			\$	24,316,437	\$	25,832,561	58359
DEPARTMENT TOTAL							58360
FEDERAL SPECIAL REVENUE							58361
FUND GROUP			\$	266,684,114	\$	284,576,515	58362
DEPARTMENT TOTAL							58363
STATE SPECIAL REVENUE FUND GROUP			\$	6,010,813	\$	6,161,164	58364
DEPARTMENT TOTAL							58365
INTRAGOVERNMENTAL FUND GROUP			\$	85,181,973	\$	85,181,973	58366
TOTAL DEPARTMENT OF MENTAL HEALTH			\$	908,396,130	\$	935,302,952	58367

Section 69.03. COMMUNITY MEDICATION SUBSIDY 58369

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

58370
58371
58372

community to reduce unnecessary hospitalization because of lack of 58373
medication and to provide subsidized support for methadone costs. 58374

LOCAL MENTAL HEALTH SYSTEMS OF CARE 58375

The foregoing appropriation item 335-505, Local Mental Health 58376
Systems of Care, shall be used for mental health services provided 58377
by community mental health boards in accordance with a community 58378
mental health plan submitted pursuant to section 340.03 of the 58379
Revised Code and as approved by the Department of Mental Health. 58380

Of the foregoing appropriation, not less than \$34,818,917 in 58381
fiscal year 2004 and not less than \$34,818,917 in fiscal year 2005 58382
shall be distributed by the Department of Mental Health on a per 58383
capita basis to community mental health boards. 58384

Of the foregoing appropriation, \$100,000 in each fiscal year 58385
shall be used to fund family and consumer education and support. 58386

BEHAVIORAL HEALTH MEDICAID SERVICES 58387

The Department of Mental Health shall administer specified 58388
Medicaid Services as delegated by the Department of Job and Family 58389
Services in an interagency agreement. The foregoing appropriation 58390
item 333-607, Behavioral Health Medicaid Services, may be used to 58391
make payments for free-standing psychiatric hospital inpatient 58392
services as defined in an interagency agreement with the 58393
Department of Job and Family Services. 58394

Section 70. DMR DEPARTMENT OF MENTAL RETARDATION AND 58395
DEVELOPMENTAL DISABILITIES 58396

Section 70.01. GENERAL ADMINISTRATION AND STATEWIDE SERVICES 58397

General Revenue Fund 58398

GRF 320-321 Central Administration	\$	9,174,390	\$	9,174,390	58399
GRF 320-412 Protective Services	\$	1,420,658	\$	1,420,658	58400
GRF 320-415 Lease-Rental Payments	\$	25,935,650	\$	23,206,750	58401

TOTAL GRF General Revenue Fund	\$	36,530,698	\$	33,801,798	58402
General Services Fund Group					58403
4B5 320-640 Conference/Training	\$	400,000	\$	400,000	58404
TOTAL GSF General Services					58405
Fund Group	\$	400,000	\$	400,000	58406
Federal Special Revenue Fund Group					58407
3A4 320-605 Administrative Support	\$	12,492,892	\$	12,492,892	58408
3A5 320-613 DD Council Operating	\$	861,000	\$	861,000	58409
Expenses					58410
325 320-634 Protective Services	\$	100,000	\$	100,000	58411
TOTAL FED Federal Special Revenue					58412
Fund Group	\$	13,453,892	\$	13,453,892	58413
State Special Revenue Fund Group					58414
5S2 590-622 Medicaid	\$	2,969,552	\$	2,969,552	58415
Administration &					
Oversight					
TOTAL SSR State Special Revenue					58416
Fund Group	\$	2,969,552	\$	2,969,552	58417
TOTAL ALL GENERAL ADMINISTRATION					58418
AND STATEWIDE SERVICES					58419
BUDGET FUND GROUPS	\$	53,354,142	\$	50,625,242	58420
LEASE-RENTAL PAYMENTS					58421
The foregoing appropriation item 320-415, Lease-Rental					58422
Payments, shall be used to meet all payments at the times they are					58423
required to be made during the period from July 1, 2003, to June					58424
30, 2005, by the Department of Mental Retardation and					58425
Developmental Disabilities pursuant to leases and agreements made					58426
under section 154.20 of the Revised Code, but limited to the					58427
aggregate amount of \$49,142,400. Nothing in this act shall be					58428
deemed to contravene the obligation of the state to pay, without					58429
necessity for further appropriation, from the sources pledged					58430
thereto, the bond service charges on obligations issued pursuant					58431

to section 154.20 of the Revised Code.				58432
Section 70.02. COMMUNITY SERVICES				58433
General Revenue Fund				58434
GRF 322-405	State Use Program	\$ 242,004	\$ 242,004	58435
GRF 322-413	Residential and Support Services	\$ 8,439,337	\$ 8,439,337	58436
GRF 322-416	Waiver State Match	\$ 95,695,198	\$ 100,019,747	58437
GRF 322-417	Supported Living	\$ 43,179,715	\$ 43,179,715	58438
GRF 322-451	Family Support Services	\$ 6,801,473	\$ 6,801,473	58439
GRF 322-452	Service and Support Administration	\$ 8,628,481	\$ 8,628,481	58440
GRF 322-501	County Boards Subsidies	\$ 31,795,691	\$ 31,795,691	58441
GRF 322-503	Tax Equity	\$ 14,000,000	\$ 14,000,000	58442
TOTAL GRF	General Revenue Fund	\$ 208,781,899	\$ 213,106,448	58443
General Services Fund Group				58444
4J6 322-645	Intersystem Services for Children	\$ 3,300,000	\$ 3,300,000	58445
4U4 322-606	Community MR and DD Trust	\$ 300,000	\$ 300,000	58446
4V1 322-611	Program Support	\$ 610,000	\$ 625,000	58447
488 322-603	Residential Services Refund	\$ 1,000,000	\$ 1,000,000	58448
TOTAL GSF	General Services Fund Group	\$ 5,210,000	\$ 5,225,000	58449
Federal Special Revenue Fund Group				58451
3A4 322-605	Community Program Support	\$ 1,000,000	\$ 1,000,000	58452
3A4 322-610	Community Residential Support	\$ 500,000	\$ 500,000	58453

3A5	322-613	DD Council Grants	\$	3,130,000	\$	3,130,000	58454
3G6	322-639	Medicaid Waiver	\$	344,068,714	\$	373,772,814	58455
3M7	322-650	CAFS Medicaid	\$	254,739,737	\$	267,668,087	58456
325	322-608	Federal Grants -	\$	2,023,587	\$	1,833,815	58457
		Operating Expenses					58458
325	322-612	Social Service Block	\$	10,319,346	\$	10,330,830	58459
		Grant					58460
325	322-617	Education Grants -	\$	75,500	\$	75,500	58461
		Operating					58462
TOTAL FED Federal Special Revenue							58463
Fund Group			\$	615,856,884	\$	658,311,046	58464
State Special Revenue Fund Group							58465
4K8	322-604	Waiver - Match	\$	12,000,000	\$	12,000,000	58466
5H0	322-619	Medicaid Repayment	\$	25,000	\$	25,000	58467
TOTAL SSR State Special Revenue							58468
Fund Group			\$	12,025,000	\$	12,025,000	58469
TOTAL ALL COMMUNITY SERVICES							58470
BUDGET FUND GROUPS			\$	841,873,783	\$	888,667,494	58471
RESIDENTIAL AND SUPPORT SERVICES							58472
The Department of Mental Retardation and Developmental							58473
Disabilities may designate a portion of appropriation item							58474
322-413, Residential and Support Services, for the following:							58475
(A) Sermak Class Services used to implement the requirements							58476
of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,							58477
Case No. c-2-80-220, United States District Court for the Southern							58478
District of Ohio, Eastern Division;							58479
(B) Medicaid-reimbursed programs other than home and							58480
community-based waiver services, in an amount not to exceed							58481
\$1,000,000 in each fiscal year, that enable persons with mental							58482
retardation and developmental disabilities to live in the							58483
community.							58484

WAIVER STATE MATCH	58485
The purposes for which the foregoing appropriation item	58486
322-416, Waiver State Match, shall be used include the following:	58487
(A) Home and community-based waiver services pursuant to	58488
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42	58489
U.S.C. 301, as amended.	58490
(B) Services contracted by county boards of mental	58491
retardation and developmental disabilities.	58492
The Department of Mental Retardation and Developmental	58493
Disabilities may designate a portion of appropriation item	58494
322-416, Waiver State Match, to county boards of mental	58495
retardation and developmental disabilities that have greater need	58496
for various residential and support services due to a low	58497
percentage of residential and support services development in	58498
comparison to the number of individuals with mental retardation or	58499
developmental disabilities in the county.	58500
SUPPORTED LIVING	58501
The purposes for which the foregoing appropriation item	58502
322-417, Supported Living, shall be used include supported living	58503
services contracted by county boards of mental retardation and	58504
developmental disabilities in accordance with sections 5126.40 to	58505
5126.47 of the Revised Code.	58506
OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS	58507
Notwithstanding Chapters 5123. and 5126. of the Revised Code,	58508
the Department of Mental Retardation and Developmental	58509
Disabilities may develop residential and support service programs	58510
funded by appropriation item 322-413, Residential and Support	58511
Services, appropriation item 322-416, Waiver State Match, or	58512
appropriation item 322-417, Supported Living, that enable persons	58513
with mental retardation and developmental disabilities to live in	58514

the community. Notwithstanding Chapter 5121. and section 5123.122 58515
of the Revised Code, the department may waive the support 58516
collection requirements of those statutes for persons in community 58517
programs developed by the department under this section. The 58518
department shall adopt rules under Chapter 119. of the Revised 58519
Code or may use existing rules for the implementation of these 58520
programs. 58521

FAMILY SUPPORT SERVICES 58522

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 58523
5126.11 of the Revised Code, the Department of Mental Retardation 58524
and Developmental Disabilities may implement programs funded by 58525
appropriation item 322-451, Family Support Services, to provide 58526
assistance to persons with mental retardation or developmental 58527
disabilities and their families who are living in the community. 58528
The department shall adopt rules to implement these programs. 58529

SERVICE AND SUPPORT ADMINISTRATION 58530

The foregoing appropriation item 322-452, Service and Support 58531
Administration, shall be allocated to county boards of mental 58532
retardation and developmental disabilities for the purpose of 58533
providing service and support administration services and to 58534
assist in bringing state funding for all department-approved 58535
service and support administrators within county boards of mental 58536
retardation and developmental disabilities to the level authorized 58537
in division (C) of section 5126.15 of the Revised Code. The 58538
department may request approval from the Controlling Board to 58539
transfer any unobligated appropriation authority from other state 58540
General Revenue Fund appropriation items within the department's 58541
budget to appropriation item 322-452, Service and Support 58542
Administration, to be used to meet the statutory funding level in 58543
division (C) of section 5126.15 of the Revised Code. 58544

Notwithstanding division (C) of section 5126.15 of the 58545

Revised Code and subject to funding in appropriation item 322-452, 58546
Service and Support Administration, no county may receive less 58547
than its allocation in fiscal year 1995. Wherever case management 58548
services are referred to in any law, contract, or other document, 58549
the reference shall be deemed to refer to service and support 58550
administration. No action or proceeding pending on the effective 58551
date of this section is affected by the renaming of case 58552
management services as service and support administration. 58553

The Department of Mental Retardation and Developmental 58554
Disabilities shall adopt, amend, and rescind rules as necessary to 58555
reflect the renaming of case management services as service and 58556
support administration. All boards of mental retardation and 58557
developmental disabilities and the entities with which they 58558
contract for services shall rename the titles of their employees 58559
who provide service and support administration. All boards and 58560
contracting entities shall make corresponding changes to all 58561
employment contracts. 58562

STATE SUBSIDIES TO MR/DD BOARDS 58563

The foregoing appropriation item 322-501, County Boards 58564
Subsidies, shall be distributed to county boards of mental 58565
retardation and developmental disabilities pursuant to section 58566
5126.12 of the Revised Code to the limit of the lesser of the 58567
amount required by that section or the appropriation in 58568
appropriation item 322-501 prorated to all county boards of mental 58569
retardation and developmental disabilities. 58570

TAX EQUITY 58571

The foregoing appropriation item 322-503, Tax Equity, shall 58572
be used to fund the tax equalization program created under section 58573
5126.18 of the Revised Code for county boards of mental 58574
retardation and developmental disabilities. 58575

INTERSYSTEM SERVICES FOR CHILDREN 58576

The foregoing appropriation item 322-645, Intersystem 58577
Services for Children, shall be used to support direct grants to 58578
county family and children first councils created under section 58579
121.37 of the Revised Code. The funds shall be used as partial 58580
support payment and reimbursement for locally coordinated 58581
treatment plans for multi-needs children that come to the 58582
attention of the Family and Children First Cabinet Council 58583
pursuant to section 121.37 of the Revised Code. The Department of 58584
Mental Retardation and Developmental Disabilities may use up to 58585
five per cent of this amount for administrative expenses 58586
associated with the distribution of funds to the county councils. 58587

WAIVER - MATCH 58588

The foregoing appropriation item 322-604, Waiver-Match (Fund 58589
4K8), shall be used as state matching funds for the home and 58590
community-based waivers. 58591

Section 70.03. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A 58592
MODEL BILLING FOR SERVICES RENDERED 58593

Developmental centers of the Department of Mental Retardation 58594
and Developmental Disabilities may provide services to persons 58595
with mental retardation or developmental disabilities living in 58596
the community or to providers of services to these persons. The 58597
department may develop a methodology for recovery of all costs 58598
associated with the provisions of these services. 58599

Section 70.04. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 58600
PHARMACY PROGRAMS 58601

Beginning July 1, 2003, the Department of Mental Retardation 58602
and Developmental Disabilities shall pay the Department of Job and 58603
Family Services quarterly, through intrastate transfer voucher, 58604
the nonfederal share of Medicaid prescription drug claim costs for 58605
all developmental centers paid by the Department of Job and Family 58606

Services.				58607
Section 70.05. RESIDENTIAL FACILITIES				58608
General Revenue Fund				58609
GRF 323-321 Residential Facilities	\$ 100,499,356	\$ 101,731,241		58610
Operations				58611
TOTAL GRF General Revenue Fund	\$ 100,499,356	\$ 101,731,241		58612
General Services Fund Group				58613
152 323-609 Residential Facilities	\$ 912,177	\$ 912,177		58614
Support				58615
TOTAL GSF General Services				58616
Fund Group	\$ 912,177	\$ 912,177		58617
Federal Special Revenue Fund Group				58618
3A4 323-605 Residential Facilities	\$ 128,736,729	\$ 128,831,708		58619
Reimbursement				58620
325 323-608 Federal Grants -	\$ 571,381	\$ 582,809		58621
Subsidies				58622
325 323-617 Education Grants -	\$ 425,000	\$ 425,000		58623
Residential Facilities				58624
TOTAL FED Federal Special Revenue				58625
Fund Group	\$ 129,733,110	\$ 129,839,517		58626
State Special Revenue Fund Group				58627
489 323-632 Operating Expense	\$ 12,125,628	\$ 12,125,628		58628
TOTAL SSR State Special Revenue				58629
Fund Group	\$ 12,125,628	\$ 12,125,628		58630
TOTAL ALL RESIDENTIAL FACILITIES				58631
BUDGET FUND GROUPS	\$ 243,270,271	\$ 244,608,563		58632
DEPARTMENT TOTAL				58633
GENERAL REVENUE FUND	\$ 345,811,953	\$ 348,639,487		58634
DEPARTMENT TOTAL				58635
GENERAL SERVICES FUND GROUP	\$ 6,522,177	\$ 6,537,177		58636
DEPARTMENT TOTAL				58637

FEDERAL SPECIAL REVENUE FUND GROUP	\$	759,043,886	\$	801,604,455	58638
DEPARTMENT TOTAL					58639
STATE SPECIAL REVENUE FUND GROUP	\$	27,120,180	\$	27,120,180	58640
TOTAL DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES					58641
	\$	1,138,498,196	\$	1,183,901,299	58642

(A) The Executive Branch Committee on Medicaid Redesign and Expansion of MRDD Services, as established by Am. Sub. H.B. 94 of the 124th General Assembly, shall continue and 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; 58668

(10) One representative of individuals with mental 58669
retardation or other developmental disability appointed by the 58670
Director of Mental Retardation and Developmental Disabilities. 58671

(B) The Governor shall appoint the chairperson of the 58672
committee. Members of the committee shall serve without 58673
compensation or reimbursement, except to the extent that serving 58674
on the committee is considered a part of their regular employment 58675
duties. 58676

(C) The committee shall meet at times determined by the 58677
chairperson to do all of the following: 58678

(1) Review the effect that the provisions of this act 58679
regarding Medicaid funding for services to individuals with mental 58680
retardation or other developmental disability have on the funding 58681
and provision of services to such individuals; 58682

(2) Identify issues related to, and barriers to, the 58683
effective implementation of those provisions of this act with the 58684
goal of meeting the needs of individuals with mental retardation 58685
or other developmental disability; 58686

(3) Establish effective means for resolving the issues and 58687
barriers, including advocating changes to state law, rules, or 58688
both. 58689

(D) The committee shall submit a final report to the Governor 58690
and Directors of Mental Retardation and Developmental Disabilities 58691
and Job and Family Services and shall cease to exist on submission 58692
of the final report unless the Governor issues an executive order 58693
providing for the committee to continue. 58694

Section 71. MIH COMMISSION ON MINORITY HEALTH 58695

General Revenue Fund 58696

GRF 149-321 Operating Expenses \$ 539,318 \$ 539,318 58697

GRF 149-501	Minority Health Grants	\$	751,478	\$	751,478	58698
GRF 149-502	Lupus Program	\$	141,556	\$	141,556	58699
TOTAL GRF	General Revenue Fund	\$	1,432,352	\$	1,432,352	58700
Federal Special Revenue Fund Group						58701
3J9 149-602	Federal Grants	\$	150,000	\$	150,000	58702
TOTAL FED	Federal Special Revenue					58703
Fund Group		\$	150,000	\$	150,000	58704
State Special Revenue Fund Group						58705
4C2 149-601	Minority Health	\$	150,000	\$	150,000	58706
Conference						
TOTAL SSR	State Special Revenue					58707
Fund Group		\$	150,000	\$	150,000	58708
TOTAL ALL BUDGET FUND GROUPS		\$	1,732,352	\$	1,732,352	58709
LUPUS PROGRAM						58710
The foregoing appropriation item 149-502, Lupus Program,						58711
shall be used to provide grants for programs in patient, public,						58712
and professional education on the subject of systemic lupus						58713
erythematosus; to encourage and develop local centers on lupus						58714
information gathering and screening; and to provide outreach to						58715
minority women.						58716
Section 72. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION						58717
BOARD						58718
General Service Fund Group						58719
5H9 865-609	Operating Expenses	\$	285,497	\$	314,422	58720
TOTAL GSF	General Services					58721
Fund Group		\$	285,497	\$	314,422	58722
TOTAL ALL BUDGET FUND GROUPS		\$	285,497	\$	314,422	58723
Section 73. DNR DEPARTMENT OF NATURAL RESOURCES						58725
General Revenue Fund						58726

GRF 725-404	Fountain Square Rental Payments - OBA	\$ 1,093,300	\$ 1,094,800	58727
GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,218,750	\$ 1,218,750	58728
GRF 725-412	Reclamation Commission	\$ 57,934	\$ 57,934	58729
GRF 725-413	OPFC Lease Rental Payments	\$ 15,066,500	\$ 17,709,500	58730
GRF 725-423	Stream and Ground Water Gauging	\$ 331,819	\$ 331,819	58731
GRF 725-425	Wildlife License Reimbursement	\$ 816,319	\$ 816,319	58732
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859	58733
GRF 725-502	Soil and Water Districts	\$ 11,182,024	\$ 11,475,507	58734
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 23,808,300	\$ 26,914,300	58735
GRF 727-321	Division of Forestry	\$ 9,068,735	\$ 9,068,735	58736
GRF 728-321	Division of Geological Survey	\$ 1,980,135	\$ 1,991,163	58737
GRF 729-321	Office of Information Technology	\$ 440,895	\$ 440,895	58738
GRF 730-321	Division of Parks and Recreation	\$ 33,232,205	\$ 34,561,493	58739
GRF 733-321	Division of Water	\$ 3,355,830	\$ 3,237,619	58740
GRF 736-321	Division of Engineering	\$ 3,410,852	\$ 3,436,918	58741
GRF 737-321	Division of Soil and Water	\$ 3,995,288	\$ 4,014,788	58742
GRF 738-321	Division of Real Estate and Land Management	\$ 2,322,031	\$ 2,331,781	58743
GRF 741-321	Division of Natural	\$ 3,104,405	\$ 3,104,405	58744

Areas and Preserves				
GRF 744-321	Division of Mineral	\$	3,439,744	\$ 3,495,967 58745
Resources Management				
TOTAL GRF	General Revenue Fund	\$	118,257,925	\$ 125,635,552 58746
General Services Fund Group				58747
155 725-601	Departmental Projects	\$	2,645,479	\$ 2,831,337 58748
157 725-651	Central Support	\$	8,272,102	\$ 8,423,094 58749
Indirect				
161 725-635	Parks Facilities	\$	2,063,124	\$ 2,576,240 58750
Maintenance				
204 725-687	Information Services	\$	3,384,275	\$ 3,476,627 58751
206 725-689	REALM Support Services	\$	475,000	\$ 475,000 58752
207 725-690	Real Estate Services	\$	54,000	\$ 54,000 58753
4D5 725-618	Recycled Materials	\$	50,000	\$ 50,000 58754
4S9 725-622	NatureWorks Personnel	\$	908,516	\$ 983,103 58755
4X8 725-662	Water Resources	\$	282,524	\$ 282,524 58756
Council				
430 725-671	Canal Lands	\$	1,119,834	\$ 1,059,056 58757
508 725-684	Natural Resources	\$	209,364	\$ 215,626 58758
Publication Center				
Interstate				
510 725-631	Maintenance -	\$	255,905	\$ 260,849 58759
state-owned residences				
516 725-620	Water Management	\$	3,663,849	\$ 2,342,814 58760
635 725-664	Fountain Square	\$	3,104,199	\$ 3,104,199 58761
Facilities Management				
697 725-670	Submerged Lands	\$	507,099	\$ 542,011 58762
TOTAL GSF	General Services			58763
Fund Group		\$	26,995,270	\$ 26,676,480 58764
Federal Special Revenue Fund Group				58765
3B3 725-640	Federal Forest	\$	140,000	\$ 150,000 58766
Pass-Thru				

3B4	725-641	Federal Flood Pass-Thru	\$	280,000	\$	285,000	58767
3B5	725-645	Federal Abandoned Mine Lands	\$	11,922,845	\$	11,843,866	58768
3B6	725-653	Federal Land and Water Conservation Grants	\$	4,900,000	\$	5,000,000	58769
3B7	725-654	Reclamation - Regulatory	\$	2,179,870	\$	2,168,413	58770
3P0	725-630	Natural Areas and Preserves - Federal	\$	718,876	\$	552,480	58771
3P1	725-632	Geological Survey - Federal	\$	470,780	\$	479,653	58772
3P2	725-642	Oil and Gas-Federal	\$	224,537	\$	232,964	58773
3P3	725-650	Real Estate and Land Management - Federal	\$	2,357,000	\$	2,357,000	58774
3P4	725-660	Water - Federal	\$	300,000	\$	242,000	58775
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	792,028	\$	837,223	58776
3Z5	725-657	REALM Federal	\$	1,578,871	\$	1,578,871	58777
328	725-603	Forestry Federal	\$	1,530,561	\$	1,484,531	58778
332	725-669	Federal Mine Safety Grant	\$	247,364	\$	258,103	58779
TOTAL FED Federal Special Revenue							58780
Fund Group			\$	27,642,732	\$	27,470,104	58781
State Special Revenue Fund Group							58782
4J2	725-628	Injection Well Review	\$	98,468	\$	81,188	58783
4M7	725-631	Wildfire Suppression	\$	50,000	\$	100,000	58784
4U6	725-668	Scenic Rivers Protection	\$	561,000	\$	617,100	58785
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000	58786
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	58787
5P2	725-634	Wildlife Boater Angler Administration	\$	1,500,000	\$	1,500,000	58788

509	725-602	State Forest	\$	982,970	\$	1,127,117	58789
511	725-646	Ohio Geologic Mapping	\$	983,274	\$	985,940	58790
512	725-605	State Parks Operations	\$	29,915,146	\$	29,915,146	58791
514	725-606	Lake Erie Shoreline	\$	1,027,093	\$	936,254	58792
518	725-643	Oil and Gas Permit Fees	\$	2,205,651	\$	2,399,580	58793
518	725-677	Oil and Gas Well Plugging	\$	1,000,000	\$	1,000,000	58794
521	725-627	Off-Road Vehicle Trails	\$	118,490	\$	123,490	58795
522	725-656	Natural Areas Checkoff Funds	\$	2,046,737	\$	1,550,670	58796
526	725-610	Strip Mining Administration Fees	\$	1,449,459	\$	1,449,459	58797
527	725-637	Surface Mining Administration	\$	2,793,938	\$	2,693,938	58798
529	725-639	Unreclaimed Land Fund	\$	1,841,589	\$	1,971,037	58799
531	725-648	Reclamation Forfeiture	\$	2,393,762	\$	2,374,087	58800
532	725-644	Litter Control and Recycling	\$	12,544,686	\$	12,544,686	58801
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	58802
615	725-661	Dam Safety	\$	286,045	\$	408,223	58803
TOTAL SSR State Special Revenue							58804
Fund Group			\$	63,233,308	\$	63,212,915	58805
Clean Ohio Fund Group							58806
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	58807
TOTAL CLR Clean Ohio Fund Group							58808
Wildlife Fund Group							58809
015	740-401	Division of Wildlife Conservation	\$	46,000,000	\$	46,000,000	58810
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	58811

816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	58812
817	725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000	58813
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	988,582	\$	988,582	58814
		Research					
819	725-685	Ohio River Management	\$	128,584	\$	128,584	58815
TOTAL WLF Wildlife Fund Group			\$	53,204,500	\$	53,204,500	58816
Waterways Safety Fund Group							58817
086	725-414	Waterways Improvement	\$	3,813,051	\$	4,140,186	58818
086	725-418	Buoy Placement	\$	42,182	\$	42,182	58819
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	58820
086	725-506	Watercraft Marine	\$	576,153	\$	576,153	58821
		Patrol					
086	725-513	Watercraft Educational	\$	366,643	\$	366,643	58822
		Grants					
086	739-401	Division of Watercraft	\$	19,201,158	\$	18,299,158	58823
TOTAL WSF Waterways Safety Fund							58824
Group			\$	24,137,054	\$	23,562,189	58825
Holding Account Redistribution Fund Group							58826
R17	725-659	Performance Cash Bond	\$	226,500	\$	226,500	58827
		Refunds					
R43	725-624	Forestry	\$	800,000	\$	800,000	58828
TOTAL 090 Holding Account							58829
Redistribution Fund Group			\$	1,026,500	\$	1,026,500	58830
Accrued Leave Liability Fund Group							58831
4M8	725-675	FOP Contract	\$	20,844	\$	20,844	58832
TOTAL ALF Accrued Leave							58833
Liability Fund Group			\$	20,844	\$	20,844	58834
TOTAL ALL BUDGET FUND GROUPS			\$	314,673,133	\$	320,964,084	58835

Section 73.01. FOUNTAIN SQUARE 58837

The foregoing appropriation item 725-404, Fountain Square 58838

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, 2003, to June 30, 2005, 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 \$2,188,100.

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 into the Fountain Square Facilities Management Fund (Fund 635).

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, 2003, to June 30, 2005, 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 \$32,776,000. 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 58871
obligations issued pursuant to section 154.22 of the Revised Code. 58872

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 58873

The foregoing appropriation item 725-903, Natural Resources 58874
General Obligation Debt Service, shall be used to pay all debt 58875
service and related financing costs at the times they are required 58876
to be made pursuant to sections 151.01 and 151.05 of the Revised 58877
Code during the period from July 1, 2003, to June 30, 2005. The 58878
Office of the Sinking Fund or the Director of Budget and 58879
Management shall effectuate the required payments by an intrastate 58880
transfer voucher. 58881

Section 73.02. WILDLIFE LICENSE REIMBURSEMENT 58882

Notwithstanding the limits of the transfer from the General 58883
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 58884
of the Revised Code, up to the amount available in appropriation 58885
item 725-425, Wildlife License Reimbursement, may be transferred 58886
from the General Revenue Fund to the Wildlife Fund (Fund 015). 58887
Pursuant to the certification of the Director of Budget and 58888
Management of the amount of foregone revenue in accordance with 58889
section 1533.15 of the Revised Code, the foregoing appropriation 58890
item in the General Revenue Fund, appropriation item 725-425, 58891
Wildlife License Reimbursement, shall be used to reimburse the 58892
Wildlife Fund (Fund 015) for the cost of hunting and fishing 58893
licenses and permits issued after June 30, 1990, to individuals 58894
who are exempted under the Revised Code from license, permit, and 58895
stamp fees. 58896

CANAL LANDS 58897

The foregoing appropriation item 725-456, Canal Lands, shall 58898
be used to transfer funds to the Canal Lands Fund (Fund 430) to 58899
provide operating expenses for the State Canal Lands Program. The 58900

transfer shall be made using an intrastate transfer voucher and 58901
shall be subject to the approval of the Director of Budget and 58902
Management. 58903

SOIL AND WATER DISTRICTS 58904

In addition to state payments to soil and water conservation 58905
districts authorized by section 1515.10 of the Revised Code, the 58906
Department of Natural Resources may pay to any soil and water 58907
conservation district, from authority in appropriation item 58908
725-502, Soil and Water Districts, an annual amount not to exceed 58909
\$30,000, upon receipt of a request and justification from the 58910
district and approval by the Ohio Soil and Water Conservation 58911
Commission. The county auditor shall credit the payments to the 58912
special fund established under section 1515.10 of the Revised Code 58913
for the local soil and water conservation district. Moneys 58914
received by each district shall be expended for the purposes of 58915
the district. 58916

FUND CONSOLIDATION 58917

On July 15, 2003, or as soon thereafter as possible, the 58918
Director of Budget and Management shall transfer the cash balance 58919
as certified by the Director of Natural Resources from the Real 58920
Estate and Land Management-Federal Fund (Fund 3P3) to the 58921
REALM-Federal Fund (Fund 325). The Director shall cancel any 58922
remaining outstanding encumbrances against appropriation item 58923
725-650, Real Estate and Land Management-Federal, that are 58924
associated with the REALM federal programs and reestablish them 58925
against appropriation item 725-657, REALM-Federal. The amounts of 58926
any encumbrances canceled and reestablished are hereby 58927
appropriated. 58928

OIL AND GAS WELL PLUGGING 58929

The foregoing appropriation item 725-677, Oil and Gas Well 58930
Plugging, shall be used exclusively for the purposes of plugging 58931

wells and to properly restore the land surface of idle and orphan 58932
oil and gas wells pursuant to section 1509.071 of the Revised 58933
Code. No funds from the appropriation item shall be used for 58934
salaries, maintenance, equipment, or other administrative 58935
purposes, except for those costs directly attributed to the 58936
plugging of an idle or orphan well. Appropriation authority from 58937
this appropriation item shall not be transferred to any other fund 58938
or line item. 58939

CLEAN OHIO OPERATING EXPENSES 58940

The foregoing appropriation item 725-405, Clean Ohio 58941
Operating, shall be used by the Department of Natural Resources in 58942
administering section 1519.05 of the Revised Code. 58943

WATERCRAFT MARINE PATROL 58944

Of the foregoing appropriation item 739-401, Division of 58945
Watercraft, not more than \$200,000 in each fiscal year shall be 58946
expended for the purchase of equipment for marine patrols 58947
qualifying for funding from the Department of Natural Resources 58948
pursuant to section 1547.67 of the Revised Code. Proposals for 58949
equipment shall accompany the submission of documentation for 58950
receipt of a marine patrol subsidy pursuant to section 1547.67 of 58951
the Revised Code and shall be loaned to eligible marine patrols 58952
pursuant to a cooperative agreement between the Department of 58953
Natural Resources and the eligible marine patrol. 58954

ELIMINATION OF CIVILIAN CONSERVATION CORPS 58955

Upon the closure of the Division of Civilian Conservation, 58956
the Director of Natural Resources, not later than June 30, 2004, 58957
shall distribute, allocate, salvage, or transfer all assets, 58958
equipment, supplies, and cash balances of the Division of Civilian 58959
Conservation to other operating divisions of the Department of 58960
Natural Resources as determined by the director. The director 58961
shall maintain a record of such disposition of all assets. 58962

The director shall maintain balances within the Civilian Conservation Corps Fund to pay all outstanding obligations, including unemployment and other costs associated with the orderly closure of the Division of Civilian Conservation. All amounts necessary for the orderly closure are hereby appropriated.

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Section 74. NUR STATE BOARD OF NURSING

58968

General Services Fund Group

58969

4K9 884-609 Operating Expenses \$ 5,232,776 \$ 5,257,576

58970

5P8 884-601 Nursing Special Issues \$ 5,000 \$ 5,000

58971

TOTAL GSF General Services

58972

Fund Group \$ 5,237,776 \$ 5,262,576

58973

TOTAL ALL BUDGET FUND GROUPS \$ 5,237,776 \$ 5,262,576

58974

NURSING SPECIAL ISSUES

58975

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.

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Section 75. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

58980
58981

General Services Fund Group

58982

4K9 890-609 Operating Expenses \$ 771,391 \$ 801,480

58983

TOTAL GSF General Services

58984

Fund Group \$ 771,391 \$ 801,480

58985

TOTAL ALL BUDGET FUND GROUPS \$ 771,391 \$ 801,480

58986

Section 80. PBR STATE PERSONNEL BOARD OF REVIEW

58988

General Revenue Fund

58989

GRF 124-321 Operating \$ 1,029,430 \$ 1,077,170

58990

TOTAL GRF General Revenue Fund \$ 1,029,430 \$ 1,077,170

58991

General Services Fund Group				58992
636 124-601 Transcript and Other	\$	25,000	\$ 25,000	58993
TOTAL GSF General Services				58994
Fund Group	\$	25,000	\$ 25,000	58995
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,430	\$ 1,102,170	58996

TRANSCRIPT AND OTHER 58997

The foregoing appropriation item 124-601, Transcript and 58998
Other, may be used to defray the costs of producing an 58999
administrative record. 59000

Section 81. PRX STATE BOARD OF PHARMACY 59001

General Services Fund Group				59002
4A5 887-605 Drug Law Enforcement	\$	72,900	\$ 75,550	59003
4K9 887-609 Operating Expenses	\$	4,733,987	\$ 4,914,594	59004
TOTAL GSF General Services				59005
Fund Group	\$	4,806,887	\$ 4,990,144	59006
TOTAL ALL BUDGET FUND GROUPS	\$	4,806,887	\$ 4,990,144	59007

Section 82. PSY STATE BOARD OF PSYCHOLOGY 59009

General Services Fund Group				59010
4K9 882-609 Operating Expenses	\$	516,544	\$ 513,525	59011
TOTAL GSF General Services				59012
Fund Group	\$	516,544	\$ 513,525	59013
TOTAL ALL BUDGET FUND GROUPS	\$	516,544	\$ 513,525	59014

Section 83. PUB OHIO PUBLIC DEFENDER COMMISSION 59016

General Revenue Fund				59017
GRF 019-321 Public Defender	\$	1,430,057	\$ 1,351,494	59018
Administration				
GRF 019-401 State Legal Defense	\$	5,724,780	\$ 5,693,572	59019
Services				

GRF 019-403	Multi-County: State	\$	917,668	\$	930,894	59020
	Share					
GRF 019-404	Trumbull County -	\$	299,546	\$	308,450	59021
	State Share					
GRF 019-405	Training Account	\$	33,323	\$	33,323	59022
GRF 019-501	County Reimbursement -	\$	28,173,220	\$	28,173,220	59023
	Non-Capital Cases					
GRF 019-503	County Reimbursement -	\$	693,000	\$	726,000	59024
	Capital Cases					
TOTAL GRF	General Revenue Fund	\$	37,271,594	\$	37,216,953	59025
	General Services Fund Group					59026
101 019-602	Inmate Legal	\$	52,698	\$	53,086	59027
	Assistance					
406 019-603	Training and	\$	16,000	\$	16,000	59028
	Publications					
407 019-604	County Representation	\$	255,789	\$	259,139	59029
408 019-605	Client Payments	\$	285,533	\$	285,533	59030
TOTAL GSF	General Services					59031
Fund Group		\$	610,020	\$	613,758	59032
	Federal Special Revenue Fund Group					59033
3S8 019-608	Federal Representation	\$	351,428	\$	355,950	59034
TOTAL FED	Federal Special Revenue					59035
Fund Group		\$	351,428	\$	355,950	59036
	State Special Revenue Fund Group					59037
4C7 019-601	Multi-County: County	\$	1,923,780	\$	1,991,506	59038
	Share					
4X7 019-610	Trumbull County -	\$	624,841	\$	658,764	59039
	County Share					
574 019-606	Legal Services	\$	14,305,700	\$	14,305,800	59040
	Corporation					
TOTAL SSR	State Special Revenue					59041
Fund Group		\$	16,854,321	\$	16,956,070	59042

TOTAL ALL BUDGET FUND GROUPS	\$	55,087,363	\$	55,142,731	59043
INDIGENT DEFENSE OFFICE					59044
The foregoing appropriation items 019-404, Trumbull County -					59045
State Share, and 019-610, Trumbull County - County Share, shall be					59046
used to support an indigent defense office for Trumbull County.					59047
MULTI-COUNTY OFFICE					59048
The foregoing appropriation items 019-403, Multi-County:					59049
State Share, and 019-601, Multi-County: County Share, shall be					59050
used to support the Office of the Ohio Public Defender's					59051
Multi-County Branch Office Program.					59052
TRAINING ACCOUNT					59053
The foregoing appropriation item 019-405, Training Account,					59054
shall be used by the Ohio Public Defender to provide legal					59055
training programs at no cost for private appointed counsel who					59056
represent at least one indigent defendant at no cost and for state					59057
and county public defenders and attorneys who contract with the					59058
Ohio Public Defender to provide indigent defense services.					59059
FEDERAL REPRESENTATION					59060
The foregoing appropriation item 019-608, Federal					59061
Representation, shall be used to receive reimbursements from the					59062
federal courts when the Ohio Public Defender provides					59063
representation in federal court cases and to support					59064
representation in such cases.					59065
APPOINTED COUNSEL REIMBURSEMENT RATE FREEZE					59066
In establishing maximum amounts that the state will reimburse					59067
counties for legal services pursuant to divisions (B) (8) and (9)					59068
of section 120.04 of the Revised Code for the period from July 1,					59069
2003, through June 30, 2005, the state public defender shall not					59070
establish maximum amounts that exceed the maximum amounts in					59071
effect on March 1, 2003.					59072

Section 84. DHS DEPARTMENT OF PUBLIC SAFETY				59073	
General Revenue Fund				59074	
GRF 763-403 Operating Expenses -	\$	4,058,188	\$	4,058,188	59075
EMA					
GRF 763-507 Individual and	\$	48,750	\$	48,750	59076
Households Grants					
TOTAL GRF General Revenue Fund	\$	4,106,938	\$	4,106,938	59077
State Special Revenue Fund Group				59078	
5X1 764-415 Public Safety	\$	800,000	\$	800,000	59079
Investigative Unit					
TOTAL SSR State Special Revenue	\$	800,000	\$	800,000	59080
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,906,938	\$	4,906,938	59081
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT				59082	
Of the foregoing appropriation item 763-403, Operating				59083	
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund				59084	
the Ohio Task Force One - Urban Search and Rescue Unit and other				59085	
urban search and rescue programs around the state to create a				59086	
stronger search and rescue capability statewide.				59087	
COUNTY EMERGENCY PREPAREDNESS GRANTS				59088	
The foregoing appropriation item 763-501, County Emergency				59089	
Preparedness Grants, shall be used to improve preparedness of				59090	
local emergency management agencies and authorities in accordance				59091	
with Chapter 5502. of the Revised Code. The grants shall be				59092	
distributed to agencies based on the distribution formula				59093	
established for the Federal Emergency Management Agency (FEMA)				59094	
"Emergency Management Performance Grant" (EMPG). Grants made under				59095	
this section are not intended to supplant any federal, state, or				59096	
local funding to an agency or authority. Therefore, neither a				59097	
state agency nor any political subdivision shall take into account				59098	

the receipt of a grant under this section in determining the 59099
 amount of support that a state agency or political subdivision 59100
 provides to an emergency management agency or authority. 59101

INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH 59102

The foregoing appropriation item 763-507, Individual and 59103
 Households Grants, shall be used to fund the state share of costs 59104
 to provide grants to individuals and households in cases of 59105
 disaster. 59106

Section 85. PUC PUBLIC UTILITIES COMMISSION OF OHIO 59107

General Services Fund Group 59108

5F6 870-622	Utility and Railroad	\$	30,622,222	\$	30,622,222	59109
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Regulation

5F6 870-624	NARUC/NRRI Subsidy	\$	167,233	\$	167,233	59110
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5F6 870-625	Motor Transportation	\$	5,361,239	\$	5,361,239	59111
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Regulation

558 870-602	Salvage and Exchange	\$	16,477	\$	4,000	59112
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TOTAL GSF General Services 59113

Fund Group	\$	36,167,171	\$	36,154,694	59114
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Federal Special Revenue Fund Group 59115

3V3 870-604	Commercial Vehicle	\$	870,000	\$	300,000	59116
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Information

Systems/Networks

333 870-601	Gas Pipeline Safety	\$	597,957	\$	597,957	59117
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350 870-608	Motor Carrier Safety	\$	7,027,712	\$	7,027,712	59118
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TOTAL FED Federal Special Revenue 59119

Fund Group	\$	8,495,669	\$	7,925,669	59120
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State Special Revenue Fund Group 59121

4A3 870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	59122
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Protection

Devices-State

4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621	59123
4S6	870-618	Hazardous Material	\$	899,325	\$	614,325	59124
		Registration					
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	59125
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	719,986	\$	434,986	59126
559	870-605	Public Utilities	\$	4,000	\$	4,000	59127
		Territorial					
		Administration					
560	870-607	Special Assessment	\$	100,000	\$	100,000	59128
561	870-606	Power Siting Board	\$	337,210	\$	337,210	59129
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	59130
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	59131
		Transportation					
TOTAL SSR	State	Special Revenue					59132
Fund Group			\$	4,911,245	\$	4,341,245	59133
Agency Fund Group							59134
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	59135
		Registration Program					
TOTAL AGY	Agency	Fund Group	\$	6,500,000	\$	6,500,000	59136
TOTAL ALL BUDGET	FUND	GROUPS	\$	56,074,085	\$	54,921,608	59137

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT 59138

The Commercial Vehicle Information Systems and Networks Fund 59139
is hereby created in the state treasury. The Commercial Vehicle 59140
Information Systems and Networks Fund shall receive funding from 59141
the United States Department of Transportation's Commercial 59142
Vehicle Intelligent Transportation System Infrastructure 59143
Deployment Program and shall be used to deploy the Ohio Commercial 59144
Vehicle Information Systems and Networks Project and to expedite 59145
and improve the safety of motor carrier operations through 59146
electronic exchange of data by means of on-highway electronic 59147

systems. 59148

Notwithstanding section 4905.80 of the Revised Code, up to 59149
 \$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 59150
 the foregoing appropriation item 870-618, Hazardous Material 59151
 Registration, may be used to pay the state share of the 59152
 implementation of the Ohio Commercial Vehicle Information Systems 59153
 and Networks Project. 59154

Notwithstanding section 4923.12 of the Revised Code, up to 59155
 \$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 59156
 the foregoing appropriation item 870-620, Civil Forfeitures, may 59157
 be used to pay the state share of the implementation of the Ohio 59158
 Commercial Vehicle Information Systems and Networks Project. 59159

Section 86. PWC PUBLIC WORKS COMMISSION 59160

General Revenue Fund 59161

GRF 150-904 Conservation General	\$	9,743,500	\$	11,235,700	59162
Obligation Debt					
Service					

GRF 150-907 State Capital	\$	156,974,400	\$	152,069,700	59163
Improvements					
General Obligation					
Debt Service					

TOTAL GRF General Revenue Fund	\$	166,717,900	\$	163,305,400	59165
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Clean Ohio Fund Group 59166

056 150-403 Clean Ohio Operating	\$	298,200	\$	304,400	59167
Expenses					

TOTAL 056 Clean Ohio Fund Group	\$	298,200	\$	304,400	59168
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TOTAL ALL BUDGET FUND GROUPS	\$	167,016,100	\$	163,609,800	59169
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CONSERVATION GENERAL OBLIGATION DEBT SERVICE 59170

The foregoing appropriation item 150-904, Conservation 59171
 General Obligation Debt Service, shall be used to pay all debt 59172

service and related financing costs at the times they are required 59173
to be made pursuant to sections 151.01 and 151.09 of the Revised 59174
Code during the period from July 1, 2003, to June 30, 2005. The 59175
Office of the Sinking Fund or the Director of Budget and 59176
Management shall effectuate the required payments by an intrastate 59177
transfer voucher. 59178

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 59179

The foregoing appropriation item 150-907, State Capital 59180
Improvements General Obligation Debt Service, shall be used to pay 59181
all debt service and related financing costs at the times they are 59182
required to be made pursuant to sections 151.01 and 151.08 of the 59183
Revised Code during the period from July 1, 2003, to June 30, 59184
2005. The Office of the Sinking Fund or the Director of Budget and 59185
Management shall effectuate the required payments by an intrastate 59186
transfer voucher. 59187

CLEAN OHIO OPERATING EXPENSES 59188

The foregoing appropriation item 150-403, Clean Ohio 59189
Operating Expenses, shall be used by the Ohio Public Works 59190
Commission in administering sections 164.20 to 164.27 of the 59191
Revised Code. 59192

Section 87. RAC STATE RACING COMMISSION 59193

State Special Revenue Fund Group 59194

5C4 875-607 Simulcast Horse Racing \$ 19,730,799 \$ 19,476,952 59195
Purse

562 875-601 Thoroughbred Race Fund \$ 4,642,378 \$ 4,642,378 59196

563 875-602 Standardbred \$ 2,908,841 \$ 3,161,675 59197
Development Fund

564 875-603 Quarterhorse \$ 1,000 \$ 2,000 59198
Development Fund

565 875-604 Racing Commission \$ 4,485,777 \$ 4,759,834 59199

Operating			
TOTAL SSR State Special Revenue			59200
Fund Group	\$ 31,768,795	\$ 32,042,839	59201
Holding Account Redistribution Fund Group			59202
R21 875-605 Bond Reimbursements	\$ 212,900	\$ 212,900	59203
TOTAL 090 Holding Account			59204
Redistribution			
Fund Group	\$ 212,900	\$ 212,900	59205
TOTAL ALL BUDGET FUND GROUPS	\$ 31,981,695	\$ 32,255,739	59206
Section 88. BOR BOARD OF REGENTS			59208
General Revenue Fund			
GRF 235-321 Operating Expenses	\$ 2,886,284	\$ 2,767,219	59210
GRF 235-401 Lease Rental Payments	\$ 246,500,700	\$ 216,836,400	59211
GRF 235-402 Sea Grants	\$ 274,895	\$ 274,895	59212
GRF 235-403 Math/Science Teaching	\$ 1,757,614	\$ 1,757,614	59213
Improvement			
GRF 235-404 College Readiness	\$ 2,277,641	\$ 2,277,641	59214
Initiatives			
GRF 235-406 Articulation and	\$ 513,450	\$ 513,450	59215
Transfer			
GRF 235-408 Midwest Higher	\$ 35,000	\$ 35,000	59216
Education Compact			
GRF 235-409 Information System	\$ 1,185,879	\$ 1,154,671	59217
GRF 235-414 State Grants and	\$ 1,219,719	\$ 1,211,373	59218
Scholarship			
Administration			
GRF 235-415 Jobs Challenge	\$ 9,348,300	\$ 9,348,300	59219
GRF 235-417 Ohio Learning Network	\$ 3,413,046	\$ 3,327,720	59220
GRF 235-418 Access Challenge	\$ 57,068,622	\$ 57,068,622	59221
GRF 235-420 Success Challenge	\$ 43,113,077	\$ 43,113,077	59222
GRF 235-428 Appalachian New	\$ 940,000	\$ 940,000	59223

Economy Partnership					
GRF 235-451	Eminent Scholars	\$	0	\$ 1,462,500	59224
GRF 235-454	Research Challenge	\$	18,330,000	\$ 18,330,000	59225
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$ 1,465,650	59226
GRF 235-474	Area Health Education Centers Program	\$	1,580,502	\$ 1,540,990	59227
Support					
GRF 235-477	Access Improvement Projects	\$	1,048,664	\$ 1,080,124	59228
GRF 235-501	State Share of Instruction	\$	1,505,373,459	\$ 1,505,335,851	59229
GRF 235-502	Student Support Services	\$	870,675	\$ 848,908	59230
GRF 235-503	Ohio Instructional Grants	\$	111,966,343	\$ 115,325,333	59231
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$ 4,672,321	59232
GRF 235-507	OhioLINK	\$	7,028,392	\$ 7,028,392	59233
GRF 235-508	Air Force Institute of Technology	\$	1,880,000	\$ 1,880,000	59234
GRF 235-510	Ohio Supercomputer Center	\$	4,208,472	\$ 4,103,260	59235
GRF 235-511	Cooperative Extension Service	\$	25,394,863	\$ 25,394,863	59236
GRF 235-513	Ohio University Voinovich Center	\$	271,977	\$ 265,178	59237
GRF 235-514	Central State Supplement	\$	11,039,203	\$ 11,039,203	59238
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,168,949	\$ 3,089,725	59239
GRF 235-519	Family Practice	\$	4,840,887	\$ 4,719,865	59240
GRF 235-520	Shawnee State	\$	2,082,289	\$ 2,082,289	59241

		Supplement				
GRF 235-521	The Ohio State University Glenn Institute	\$	271,977	\$	265,178	59242
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819	59243
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179	59244
GRF 235-526	Primary Care Residencies	\$	2,390,061	\$	2,330,310	59245
GRF 235-527	Ohio Aerospace Institute	\$	1,763,843	\$	1,719,747	59246
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	59247
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646	59248
GRF 235-534	Student Workforce Development Grants	\$	2,437,500	\$	2,437,500	59249
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,496,855	\$	35,496,855	59250
GRF 235-536	The Ohio State University Clinical Teaching	\$	12,461,503	\$	12,461,503	59251
GRF 235-537	University of Cincinnati Clinical Teaching	\$	10,249,417	\$	10,249,417	59252
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	7,988,864	\$	7,988,864	59253
GRF 235-539	Wright State University Clinical Teaching	\$	3,881,147	\$	3,881,147	59254
GRF 235-540	Ohio University Clinical Teaching	\$	3,752,022	\$	3,752,022	59255
GRF 235-541	Northeastern Ohio	\$	3,858,951	\$	3,858,951	59256

	Universities College of Medicine Clinical Teaching				
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	389,513	\$	389,513 59257
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996 59258
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721 59259
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,726,884	\$	2,726,884 59260
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779 59261
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080 59262
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289 59263
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134 59264
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546 59265
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259 59266
GRF 235-583	Urban University Programs	\$	4,813,113	\$	4,692,785 59267
GRF 235-585	Ohio University Innovation Center	\$	36,078	\$	35,176 59268
GRF 235-587	Rural University Projects	\$	1,018,010	\$	992,559 59269
GRF 235-588	Ohio Resource Center for Mathematics,	\$	853,262	\$	853,262 59270

	Science, and Reading				
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918 59271
GRF 235-596	Hazardous Materials Program	\$	288,700	\$	281,483 59272
GRF 235-599	National Guard Scholarship Program	\$	13,252,916	\$	14,578,208 59273
GRF 235-909	Higher Education General Obligation Debt Service	\$	97,668,000	\$	130,967,600 59274
TOTAL GRF	General Revenue Fund	\$	2,367,565,645	\$	2,376,770,764 59275
	General Services Fund Group				59276
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000 59277
456 235-603	Sales and Services	\$	300,002	\$	300,003 59278
TOTAL GSF	General Services Fund Group	\$	700,002	\$	700,003 59279
	Federal Special Revenue Fund Group				59280
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000 59281
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680 59282
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001 59283
312 235-609	Tech Prep	\$	183,850	\$	183,850 59284
312 235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691 59285
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960 59286
312 235-615	Professional Development	\$	523,129	\$	523,129 59287

312	235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000	59289
312	235-631	Federal Grants	\$	3,444,949	\$	3,150,590	59290
TOTAL FED Federal Special Revenue							59291
Fund Group			\$	10,439,814	\$	10,037,901	59292
State Special Revenue Fund Group							59293
4E8	235-602	Higher Educational Facility Commission Administration	\$	20,000	\$	20,000	59294
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	59295
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	59296
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	59297
TOTAL SSR State Special Revenue							59298
Fund Group			\$	2,149,870	\$	2,149,870	59299
TOTAL ALL BUDGET FUND GROUPS			\$	2,380,855,331	\$	2,389,658,538	59300

Section 88.01. LEASE RENTAL PAYMENTS 59302

The foregoing appropriation item 235-401, Lease Rental 59303
 Payments, shall be used to meet all payments at the times they are 59304
 required to be made during the period from July 1, 2003, to June 59305
 30, 2005, by the Board of Regents pursuant to leases and 59306
 agreements made under section 154.21 of the Revised Code, but 59307
 limited to the aggregate amount of \$463,377,100. Nothing in this 59308
 act shall be deemed to contravene the obligation of the state to 59309
 pay, without necessity for further appropriation, from the sources 59310
 pledged thereto, the bond service charges on obligations issued 59311
 pursuant to section 154.21 of the Revised Code. 59312

SEA GRANTS 59313

The foregoing appropriation item 235-402, Sea Grants, shall 59314
be disbursed to the Ohio State University and shall be used to 59315
conduct research on fish in Lake Erie. 59316

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 59317

Appropriation item 235-403, Math/Science Teaching 59318
Improvement, shall be used by the Board of Regents to support 59319
programs such as OSI - Discovery designed to raise the quality of 59320
mathematics and science teaching in primary and secondary 59321
education. 59322

Of the foregoing appropriation item 235-403, Math/Science 59323
Teaching Improvement, \$217,669 in each fiscal year shall be 59324
distributed to the Mathematics and Science Center in Lake County. 59325

Of the foregoing appropriation item 235-403, Math/Science 59326
Teaching Improvement, \$87,068 in fiscal year 2004 and \$87,067 in 59327
fiscal year 2005 shall be distributed to the Ohio Mathematics and 59328
Science Coalition. 59329

COLLEGE READINESS INITIATIVES 59330

Appropriation item 235-404, College Readiness Initiatives, 59331
shall be used by the Board of Regents to support programs designed 59332
to improve the academic preparation and increase the number of 59333
students that enroll and succeed in higher education. 59334

MIDWEST HIGHER EDUCATION COMPACT 59335

The foregoing appropriation item 235-408, Midwest Higher 59336
Education Compact, shall be distributed by the Board of Regents 59337
pursuant to section 3333.40 of the Revised Code. 59338

INFORMATION SYSTEM 59339

The foregoing appropriation item 235-409, Information System, 59340
shall be used by the Board of Regents to operate the higher 59341
education information data system known as the Higher Education 59342
Information System. 59343

Section 88.02. JOBS CHALLENGE 59344

Funds appropriated to appropriation item 235-415, Jobs 59345
Challenge, shall be distributed to state-assisted community and 59346
technical colleges, regional campuses of state-assisted 59347
universities, and other organizationally distinct and identifiable 59348
member campuses of the EnterpriseOhio Network in support of 59349
noncredit job-related training. In each fiscal year, \$2,770,773 59350
shall be distributed as performance grants to EnterpriseOhio 59351
Network campuses based upon each campus's documented performance 59352
according to criteria established by the Board of Regents for 59353
increasing training and related services to businesses, 59354
industries, and public sector organizations. 59355

Of the foregoing appropriation item 235-415, Jobs Challenge, 59356
\$2,819,345 in each fiscal year shall be allocated to the Targeted 59357
Industries Training Grant Program to attract, develop, and retain 59358
business and industry strategically important to the state's 59359
economy. 59360

Also, in each fiscal year, \$3,758,182 shall be allocated to 59361
the Higher Skills Incentives Program to promote and deliver 59362
coordinated, comprehensive training to local employers and to 59363
reward EnterpriseOhio Network campuses for increasing the amount 59364
of non-credit skill upgrading services provided to Ohio employers 59365
and employees. The funds shall be distributed to campuses in 59366
proportion to each campus's share of noncredit job-related 59367
training revenues received by all campuses for the previous fiscal 59368
year. It is the intent of the General Assembly that this Higher 59369
Skills Incentives component of the Jobs Challenge Program reward 59370
campus noncredit job-related training efforts in the same manner 59371
that the Research Challenge Program rewards campuses for their 59372
ability to obtain sponsored research revenues. 59373

OHIO LEARNING NETWORK 59374

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.

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.

The purpose of Access Challenge is to reduce the student share of costs for resident undergraduates enrolled in lower division undergraduate courses at Ohio's access campuses. The long-term goal is to make the student share of costs for these students equivalent to the student share of costs for resident undergraduate students enrolled throughout Ohio's public colleges and universities. Access Challenge appropriations shall be used in both years of the biennium to sustain, as much as possible, the tuition restraint or tuition reduction that was achieved with Access Challenge allocations in prior years.

In fiscal year 2004, Access Challenge subsidies shall be distributed by the Board of Regents to eligible access campuses on

the basis of the average of each campus's share of fiscal year 2001 and 2002 all-terms subsidy-eligible General Studies FTEs. In fiscal year 2005, Access Challenge subsidies shall be distributed by the Board of Regents to eligible access campuses on the basis of the average of each campus's share of fiscal year 2002 and 2003 all-terms subsidy-eligible General Studies FTEs.

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: the 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 2004 and 2005, an "at-risk" student means any undergraduate student who was eligible to receive 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 59438
state-supported institutions of higher education all such plans 59439
submitted by institutions that received Success Challenge funds. 59440

In each fiscal year, one-third of the appropriations shall be 59441
distributed to university main campuses in proportion to each 59442
campus's share of the total bachelor's degrees granted by 59443
university main campuses to undergraduate students who completed 59444
their bachelor's degrees in a "timely manner" in the previous 59445
fiscal year. For the purposes of this section, "timely manner" 59446
means the normal time it would take for a full-time degree-seeking 59447
undergraduate student to complete the student's degree. Generally, 59448
for such students pursuing a bachelor's degree, "timely manner" 59449
means four years. Exceptions to this general rule shall be 59450
permitted for students enrolled in programs specifically designed 59451
to be completed in a longer time period. The Board of Regents 59452
shall collect data to assess the timely completion statistics by 59453
university main campuses. 59454

APPALACHIAN NEW ECONOMY PARTNERSHIP 59455

The foregoing appropriation item 235-428, Appalachian New 59456
Economy Partnership, shall be distributed to Ohio University to 59457
continue a multi-campus and multi-agency coordinated effort to 59458
link Appalachia to the new economy. Ohio University shall use 59459
these funds to provide leadership in the development and 59460
implementation of initiatives in the areas of entrepreneurship, 59461
management, education, and technology. 59462

EMINENT SCHOLARS 59463

The foregoing appropriation item 235-451, Eminent Scholars, 59464
shall be used by the Ohio Board of Regents to establish an Ohio 59465
Eminent Scholars Program, the purpose of which is to invest 59466
educational resources to address problems that are of vital 59467
statewide significance while fostering the growth in eminence of 59468

Ohio's academic programs. Ohio Eminent Scholars endowed chairs 59469
will allow Ohio universities to recruit senior faculty members 59470
from outside Ohio who are nationally and internationally 59471
recognized scholars in areas of science and technology that 59472
provide the basic research platforms on which our technology and 59473
commercialization efforts are built. Endowment grants of 59474
approximately \$750,000 to state colleges and universities and 59475
nonprofit Ohio institutions of higher education holding 59476
certificates of authorization issued under section 1713.02 of the 59477
Revised Code to match endowment gifts from nonstate sources may be 59478
made in accordance with a plan established by the Ohio Board of 59479
Regents. Matching nonstate gifts in science and technology 59480
programs shall be \$750,000. The grants shall have as their purpose 59481
attracting and sustaining in Ohio scholar-leaders of national or 59482
international prominence; each will assist in accelerating state 59483
economic growth through research that provides an essential basic 59484
science platform for commercialization efforts. Such 59485
scholar-leaders shall, among their duties, share broadly the 59486
benefits and knowledge unique to their fields of scholarship to 59487
the betterment of Ohio and its people and collaborate with other 59488
state technology programs and program recipients. 59489

RESEARCH CHALLENGE 59490

The foregoing appropriation item 235-454, Research Challenge, 59491
shall be used to enhance the basic research capabilities of public 59492
colleges and universities and accredited Ohio institutions of 59493
higher education holding certificates of authorization issued 59494
pursuant to section 1713.02 of the Revised Code, in order to 59495
strengthen academic research for pursuing Ohio's economic 59496
development goals. The Board of Regents, in consultation with the 59497
colleges and universities, shall administer the Research Challenge 59498
Program and utilize a means of matching, on a fractional basis, 59499
external funds attracted in the previous year by institutions for 59500

basic research. The program may include incentives for increasing 59501
the amount of external research funds coming to eligible 59502
institutions and for focusing research efforts upon critical state 59503
needs. Colleges and universities shall submit for review and 59504
approval to the Board of Regents plans for the institutional 59505
allocation of state dollars received through the program. The 59506
institutional plans shall provide the rationale for the allocation 59507
in terms of the strategic targeting of funds for academic and 59508
state purposes, for strengthening research programs, for 59509
increasing the amount of external research funds, and shall 59510
include an evaluation process to provide results of the increased 59511
support. Each institutional plan for the investment of Research 59512
Challenge moneys shall report on existing, planned, and/or 59513
possible relationships with other State of Ohio science and 59514
technology programs and funding recipients in order to further 59515
ongoing statewide science and technology collaboration objectives. 59516
The Board of Regents shall submit a biennial report of progress to 59517
the General Assembly. 59518

ENTERPRISEOHIO NETWORK 59519

The foregoing appropriation item 235-455, EnterpriseOhio 59520
Network, shall be allocated by the Board of Regents to continue 59521
increasing the capabilities of the EnterpriseOhio Network to meet 59522
the ongoing training needs of Ohio employers. Funds shall support 59523
multicampus collaboration, best practice dissemination, and 59524
capacity building projects. The Regents Advisory Committee for 59525
Workforce Development, in its advisory role, shall advise in the 59526
development of plans and activities. 59527

Of the foregoing appropriation item 235-455, EnterpriseOhio 59528
Network, \$181,101 in fiscal year 2004 and \$176,334 in fiscal year 59529
2005 shall be used by the Dayton Business/Sinclair College Jobs 59530
Profiling Program. 59531

Section 88.03. AREA HEALTH EDUCATION CENTERS 59532

The foregoing appropriation item 235-474, Area Health 59533
Education Centers Program Support, shall be used by the Board of 59534
Regents to support the medical school regional area health 59535
education centers' educational programs for the continued support 59536
of medical and other health professions education and for support 59537
of the Area Health Education Center Program. 59538

Of the foregoing appropriation item 235-474, Area Health 59539
Education Centers Program Support, \$174,135 in fiscal year 2004 59540
and \$169,782 in fiscal year 2005 shall be disbursed to the Ohio 59541
University College of Osteopathic Medicine to operate a mobile 59542
health care unit to serve the southeastern area of the state. Of 59543
the foregoing appropriation item 235-474, Area Health Education 59544
Centers Program Support, \$130,601 in fiscal year 2004 and \$127,337 59545
in fiscal year 2005 shall be used to support the Ohio Valley 59546
Community Health Information Network (OVCHIN) project. 59547

ACCESS IMPROVEMENT PROJECTS 59548

The foregoing appropriation item 235-477, Access Improvement 59549
Projects, shall be used by the Board of Regents to support 59550
innovative statewide strategies to increase student access and 59551
retention for specialized populations, and to provide for pilot 59552
projects that will contribute to improving access to higher 59553
education by specialized populations. The funds may be used for 59554
projects that improve access for nonpublic secondary students. 59555

Of the foregoing appropriation item 235-477, Access 59556
Improvement Projects, \$798,684 in fiscal year 2004 and \$822,645 in 59557
fiscal year 2005 shall be distributed to the Ohio Appalachian 59558
Center for Higher Education at Shawnee State University. The board 59559
of directors of the center shall consist of the presidents of 59560
Shawnee State University, Ohio University, Belmont Technical 59561

College, Hocking Technical College, Jefferson Community College, 59562
Muskingum Area Technical College, Rio Grande Community College, 59563
Southern State Community College, and Washington State Community 59564
College; the dean of one of the Salem, Tuscarawas, and East 59565
Liverpool regional campuses of Kent State University, as 59566
designated by the president of Kent State University; and a 59567
representative of the Board of Regents designated by the 59568
Chancellor. 59569

Of the foregoing appropriation item 235-477, Access 59570
Improvement Projects, \$169,553 in fiscal year 2004 and \$174,640 in 59571
fiscal year 2005 shall be distributed to Miami University for the 59572
Student Achievement in Research and Scholarship (STARS) Program. 59573

Section 88.04. STATE SHARE OF INSTRUCTION 59574

As soon as practicable during each fiscal year of the 59575
2003-2005 biennium in accordance with instructions of the Board of 59576
Regents, each state-assisted institution of higher education shall 59577
report its actual enrollment to the Board of Regents. 59578

The Board of Regents shall establish procedures required by 59579
the system of formulas set out below and for the assignment of 59580
individual institutions to categories described in the formulas. 59581
The system of formulas establishes the manner in which aggregate 59582
expenditure requirements shall be determined for each of the three 59583
components of institutional operations. In addition to other 59584
adjustments and calculations described below, the subsidy 59585
entitlement of an institution shall be determined by subtracting 59586
from the institution's aggregate expenditure requirements income 59587
to be derived from the local contributions assumed in calculating 59588
the subsidy entitlements. The local contributions for purposes of 59589
determining subsidy support shall not limit the authority of the 59590
individual boards of trustees to establish fee levels. 59591

The General Studies and Technical models shall be adjusted by 59592

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 37 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 of the Revised Code or employer contracts entered into pursuant to section 3333.32 of the Revised Code. The Board of Regents shall weight the number of FTE students in the Masters and Professional I, Masters and Professional II, Masters and Professional III, and MPD I models who are not residents of Ohio so that the core subsidy entitlement amount per FTE student who is not a resident of Ohio is 60 per cent of the core subsidy entitlement amount per FTE student who is a resident of Ohio.

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT

(1) INSTRUCTION AND SUPPORT SERVICES

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	
General Studies II	\$ 5,323	\$ 5,336	
General Studies III	\$ 6,883	\$ 7,120	
Technical I	\$ 5,913	\$ 6,137	
Technical III	\$ 9,522	\$ 10,026	
Baccalaureate I	\$ 7,623	\$ 7,721	
Baccalaureate II	\$ 8,584	\$ 8,864	
Baccalaureate III	\$ 12,559	\$ 12,932	
Masters and Professional I	\$ 15,867	\$ 18,000	
Masters and Professional II	\$ 20,861	\$ 22,141	

Masters and Professional III	\$ 27,376	\$ 28,190	59625
Medical I	\$ 30,867	\$ 31,819	59626
Medical II	\$ 41,495	\$ 41,960	59627
MPD I	\$ 14,938	\$ 14,966	59628

(2) STUDENT SERVICES 59629

For this purpose, FTE counts shall be weighted to reflect 59630
differences among institutions in the numbers of students enrolled 59631
on a part-time basis. The student services subsidy per FTE shall 59632
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 59633
models. 59634

(B) PLANT OPERATION AND MAINTENANCE (POM) 59635

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 59636

Space undergoing renovation shall be funded at the rate 59637
allowed for storage space. 59638

In the calculation of square footage for each campus, square 59639
footage shall be weighted to reflect differences in space 59640
utilization. 59641

The space inventories for each campus shall be those 59642
determined in the fiscal year 2003 state share of instruction 59643
calculation, adjusted for changes attributable to the construction 59644
or renovation of facilities for which state appropriations were 59645
made or local commitments were made prior to January 1, 1995. 59646

Only 50 per cent of the space permanently taken out of 59647
operation in fiscal year 2004 or fiscal year 2005 that is not 59648
otherwise replaced by a campus shall be deleted from the plant 59649
operation and maintenance space inventory. 59650

The square-foot-based plant operation and maintenance subsidy 59651
for each campus shall be determined as follows: 59652

(a) For each standard room type category shown below, the 59653
subsidy-eligible net assignable square feet (NASF) for each campus 59654

shall be multiplied by the following rates, and the amounts summed 59655
 for each campus to determine the total gross square-foot-based POM 59656
 expenditure requirement: 59657

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	59659
Laboratories	\$7.22	\$7.53	59660
Offices	\$5.80	\$6.04	59661
Audio Visual Data Processing	\$7.22	\$7.53	59662
Storage	\$2.57	\$2.68	59663
Circulation	\$7.31	\$7.62	59664
Other	\$5.80	\$6.04	59665

(b) The total gross square-foot POM expenditure requirement 59666
 shall be allocated to models in proportion to FTE enrollments as 59667
 reported in enrollment data for all models except Doctoral I and 59668
 Doctoral II. 59669

(c) The amounts allocated to models in division (B)(1)(b) of 59670
 this section shall be multiplied by the ratio of subsidy-eligible 59671
 FTE students to total FTE students reported in each model, and the 59672
 amounts summed for all models. To this total amount shall be added 59673
 an amount to support roads and grounds expenditures to produce the 59674
 total square-foot-based POM subsidy. 59675

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 59676

(a) The number of subsidy-eligible FTE students in each model 59677
 shall be multiplied by the following rates for each campus for 59678
 each fiscal year. 59679

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	59681
General Studies II	\$ 696	\$ 705	59682
General Studies III	\$1,608	\$1,651	59683
Technical I	\$ 777	\$ 806	59684
Technical III	\$1,501	\$1,570	59685
Baccalaureate I	\$ 700	\$ 706	59686

Baccalaureate II	\$1,250	\$1,232	59687
Baccalaureate III	\$1,520	\$1,458	59688
Masters and Professional I	\$1,258	\$1,301	59689
Masters and Professional II	\$2,817	\$2,688	59690
Masters and Professional III	\$3,832	\$3,712	59691
Medical I	\$2,663	\$2,669	59692
Medical II	\$3,837	\$4,110	59693
MPD I	\$1,213	\$1,233	59694

(b) The sum of the products for each campus determined in 59695
division (B)(2)(a) of this section for all models except Doctoral 59696
I and Doctoral II for each fiscal year shall be weighted by a 59697
factor to reflect sponsored research activity and job 59698
training-related public services expenditures to determine the 59699
total activity-based POM subsidy. 59700

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 59701

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 59702

The calculation of the core subsidy entitlement shall consist 59703
of the following components: 59704

(a) For each campus and for each fiscal year, the core 59705
subsidy entitlement shall be determined by multiplying the amounts 59706
listed above in divisions (A)(1) and (2) and (B)(2) of this 59707
section less assumed local contributions, by (i) average 59708
subsidy-eligible FTEs for the two-year period ending in the prior 59709
year for all models except Doctoral I and Doctoral II; and (ii) 59710
average subsidy-eligible FTEs for the five-year period ending in 59711
the prior year for all models except Doctoral I and Doctoral II. 59712

(b) In calculating the core subsidy entitlements for Medical 59713
II models only, the Board of Regents shall use the following count 59714
of FTE students: 59715

(i) For those medical schools whose current year enrollment, 59716
including students repeating terms, is below the base enrollment, 59717

the Medical II FTE enrollment shall equal: 65 per cent of the base 59718
enrollment plus 35 per cent of the current year enrollment 59719
including students repeating terms, where the base enrollment is: 59720

The Ohio State University	1010	59721
University of Cincinnati	833	59722
Medical College of Ohio at Toledo	650	59723
Wright State University	433	59724
Ohio University	433	59725
Northeastern Ohio Universities College of Medicine	433	59726

(ii) For those medical schools whose current year enrollment, 59727
excluding students repeating terms, is equal to or greater than 59728
the base enrollment, the Medical II FTE enrollment shall equal the 59729
base enrollment plus the FTE for repeating students. 59730

(iii) Students repeating terms may be no more than five per 59731
cent of current year enrollment. 59732

(c) The Board of Regents shall compute the sum of the two 59733
calculations listed in division (C)(1)(a) of this section and use 59734
the greater sum as the core subsidy entitlement. 59735

The POM subsidy for each campus shall equal the greater of 59736
the square-foot-based subsidy or the activity-based POM subsidy 59737
component of the core subsidy entitlement. 59738

(d) If the total core subsidy entitlement in any model in any 59739
fiscal year exceeds any of the limits specified below, the Board 59740
of Regents shall proportionately reduce the core subsidy 59741
entitlement for that model for all campuses by a uniform 59742
percentage so that the system-wide sum equals the limit specified 59743
below. 59744

(i) The total core subsidy entitlement for all campuses in 59745
Masters and Professional I shall not exceed \$12,314,541 in fiscal 59746
year 2004 and \$12,403,616 in fiscal year 2005. 59747

(ii) The total core subsidy entitlement for all campuses in Masters and Professional II shall not exceed \$102,962,506 in fiscal year 2004 and \$104,452,878 in fiscal year 2005.

(iii) The total core subsidy entitlement for all campuses in Masters and Professional III shall not exceed \$59,789,439 in fiscal year 2004 and \$61,010,994 in fiscal year 2005.

(iv) The total core subsidy entitlement for all campuses in Medical I shall not exceed \$26,742,980 in fiscal year 2004 and \$26,742,980 in fiscal year 2005.

(v) The total core subsidy entitlement for all campuses in Medical II shall not exceed \$98,315,046 in fiscal year 2004 and \$99,350,111 in fiscal year 2005.

(vi) The total core subsidy entitlement for all campuses in MPD I shall not exceed \$43,976,008 in fiscal year 2004 and \$39,109,755 in fiscal year 2005.

(e) The state share of instruction provided for doctoral students shall be not more than \$96,932,984 in fiscal year 2004 and \$50,405,152 in fiscal year 2005.

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 and subsequent changes in Doctoral I equivalent enrollments. 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) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of

instruction earnings shall be reduced for each campus by the 59778
amount, if any, by which debt service charged in Am. H.B. No. 748 59779
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 59780
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 59781
and H.B. No. 675 of the 124th General Assembly for that campus 59782
exceeds that campus's capital component earnings. 59783

(D) REDUCTIONS IN EARNINGS 59784

If the total state share of instruction earnings in any 59785
fiscal year exceed the total appropriations available for such 59786
purposes, the Board of Regents shall proportionately reduce the 59787
state share of instruction earnings for all campuses by a uniform 59788
percentage so that the system wide sum equals available 59789
appropriations. 59790

(E) EXCEPTIONAL CIRCUMSTANCES 59791

Except for the limits specified in division (C)(1)(d) of this 59792
section, adjustments may be made to the state share of instruction 59793
payments and other subsidies distributed by the Board of Regents 59794
to state-assisted colleges and universities for exceptional 59795
circumstances. No adjustments for exceptional circumstances may be 59796
made without the recommendation of the Chancellor and the approval 59797
of the Controlling Board. 59798

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 59799
INSTRUCTION 59800

The standard provisions of the state share of instruction 59801
calculation as described in the preceding sections of temporary 59802
law shall apply to any reductions made to appropriation line item 59803
235-501, State Share of Instruction, before the Board of Regents 59804
has formally approved the final allocation of the state share of 59805
instruction funds for any fiscal year. 59806

Any reductions made to appropriation line item 235-501, State 59807
Share of Instruction, after the Board of Regents has formally 59808

approved the final allocation of the state share of instruction 59809
funds for any fiscal year, shall be uniformly applied to each 59810
campus in proportion to its share of the final allocation. 59811

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 59812

The state share of instruction payments to the institutions 59813
shall be in substantially equal monthly amounts during the fiscal 59814
year, unless otherwise determined by the Director of Budget and 59815
Management pursuant to section 126.09 of the Revised Code. 59816
Payments during the first six months of the fiscal year shall be 59817
based upon the state share of instruction appropriation estimates 59818
made for the various institutions of higher education according to 59819
Board of Regents enrollment estimates. Payments during the last 59820
six months of the fiscal year shall be distributed after approval 59821
of the Controlling Board upon the request of the Board of Regents. 59822

(H) LAW SCHOOL SUBSIDY 59823

The state share of instruction to state-supported 59824
universities for students enrolled in law schools in fiscal year 59825
2004 and fiscal year 2005 shall be calculated by using the number 59826
of subsidy-eligible FTE law school students funded by state 59827
subsidy in fiscal year 1995 or the actual number of 59828
subsidy-eligible FTE law school students at the institution in the 59829
fiscal year, whichever is less. 59830

Section 88.05. HIGHER EDUCATION - BOARD OF TRUSTEES 59831

Funds appropriated for instructional subsidies at colleges 59832
and universities may be used to provide such branch or other 59833
off-campus undergraduate courses of study and such master's degree 59834
courses of study as may be approved by the Board of Regents. 59835

In providing instructional and other services to students, 59836
boards of trustees of state-assisted institutions of higher 59837
education shall supplement state subsidies by income from charges 59838

to students. Each board shall establish the fees to be charged to 59839
all students, including an instructional fee for educational and 59840
associated operational support of the institution and a general 59841
fee for noninstructional services, including locally financed 59842
student services facilities used for the benefit of enrolled 59843
students. The instructional fee and the general fee shall 59844
encompass all charges for services assessed uniformly to all 59845
enrolled students. Each board may also establish special purpose 59846
fees, service charges, and fines as required; such special purpose 59847
fees and service charges shall be for services or benefits 59848
furnished individual students or specific categories of students 59849
and shall not be applied uniformly to all enrolled students. 59850
Except for the board of trustees of Miami University in 59851
implementing the pilot tuition restructuring plan recognized by 59852
this section, a tuition surcharge shall be paid by all students 59853
who are not residents of Ohio. 59854

The boards of trustees of individual state-assisted 59855
universities, university branch campuses, community colleges, 59856
state community colleges, and technical colleges shall limit 59857
in-state undergraduate instructional and general fee increases for 59858
an academic year over the amounts charged in the prior academic 59859
year to no more than six per cent. In addition to the six per cent 59860
main campus in-state undergraduate instructional and general fee 59861
increase limit established in this section, the Board of Trustees 59862
of The Ohio State University may authorize an additional 59863
university main campus in-state undergraduate instructional and 59864
general fee increase of three per cent for academic years 59865
2003-2004 and 2004-2005. The Board of Trustees of The Ohio State 59866
University and individual state-assisted universities, university 59867
branch campuses, community colleges, state community colleges, and 59868
technical colleges with instructional and general fees below the 59869
average for their respective sector, may charge an additional fee 59870
of \$300 to in-coming students. The boards of trustees of 59871

individual state-assisted universities, university branch 59872
campuses, community colleges, state community colleges, and 59873
technical colleges shall not authorize combined instructional and 59874
general fee increases of more than six per cent in a single vote. 59875
These fee increase limitations apply even if an institutional 59876
board of trustees has, prior to the effective date of this 59877
section, voted to assess a higher fee for the 2003-2004 academic 59878
year. These limitations shall not apply to increases required to 59879
comply with institutional covenants related to their obligations 59880
or to meet unfunded legal mandates or legally binding obligations 59881
incurred or commitments made prior to the effective date of this 59882
act with respect to which the institution had identified such fee 59883
increases as the source of funds. Any increase required by such 59884
covenants and any such mandates, obligations, or commitments shall 59885
be reported by the Board of Regents to the Controlling Board. 59886
These limitations may also be modified by the Board of Regents, 59887
with the approval of the Controlling Board, to respond to 59888
exceptional circumstances as identified by the Board of Regents. 59889

The boards of trustees of individual state-assisted 59890
universities, university branch campuses, community colleges, 59891
state community colleges, and technical colleges shall place 59892
moratoriums during fiscal years 2004 and 2005 on the creation, 59893
acquisition, and expansion of academic programs, capital projects, 59894
real estate, and student centers unless specified in legislation 59895
enacted prior to July 1, 2003, except for requests meeting the 59896
review and approval of the Third Frontier Commission. The Third 59897
Frontier Commission shall review only those requests that seek to 59898
establish or enhance the research and development position of the 59899
state or a region of the state. Any such requests approved by the 59900
Third Frontier Commission shall require the review and approval of 59901
the Controlling Board. Notwithstanding anything to the contrary in 59902
this paragraph, the board of trustees of a state-assisted 59903
university, university branch campus, community college, state 59904

community college, or technical college may seek approval by the 59905
Controlling Board for an action not otherwise permitted by this 59906
paragraph for exceptional circumstances. 59907

State-assisted universities, university branch campuses, 59908
community colleges, state community colleges, and technical 59909
colleges shall not seek the appropriation of funds for, or 59910
transfer or seek approval to transfer funds to, any project not 59911
specified in Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 59912
Sub. H.B. 640 of the 123rd General Assembly, Am. Sub. H.B. 675 of 59913
the 124th General Assembly, or any other act enacted after June 59914
30, 1998. Notwithstanding anything to the contrary in this 59915
paragraph, the board of trustees of a state-assisted university, 59916
university branch campus, community college, state community 59917
college, or technical college may seek approval by the Controlling 59918
Board for an action not otherwise permitted by this paragraph for 59919
exceptional circumstances. 59920

The board of trustees of a state-assisted institution of 59921
higher education shall not authorize a waiver or nonpayment of 59922
instructional fees or general fees for any particular student or 59923
any class of students other than waivers specifically authorized 59924
by law or approved by the Chancellor. This prohibition is not 59925
intended to limit the authority of boards of trustees to provide 59926
for payments to students for services rendered the institution, 59927
nor to prohibit the budgeting of income for staff benefits or for 59928
student assistance in the form of payment of such instructional 59929
and general fees. This prohibition is not intended to limit the 59930
authority of the board of trustees of Miami University in 59931
providing financial assistance to students in implementing the 59932
pilot tuition restructuring plan recognized by this section. 59933

Except for Miami University in implementing the pilot tuition 59934
restructuring plan recognized by this section, each state-assisted 59935
institution of higher education in its statement of charges to 59936

students shall separately identify the instructional fee, the 59937
general fee, the tuition charge, and the tuition surcharge. Fee 59938
charges to students for instruction shall not be considered to be 59939
a price of service but shall be considered to be an integral part 59940
of the state government financing program in support of higher 59941
educational opportunity for students. 59942

In providing the appropriations in support of instructional 59943
services at state-assisted institutions of higher education and 59944
the appropriations for other instruction it is the intent of the 59945
General Assembly that faculty members shall devote a proper and 59946
judicious part of their work week to the actual instruction of 59947
students. Total class credit hours of production per quarter per 59948
full-time faculty member is expected to meet the standards set 59949
forth in the budget data submitted by the Board of Regents. 59950

The authority of government vested by law in the boards of 59951
trustees of state-assisted institutions of higher education shall 59952
in fact be exercised by those boards. Boards of trustees may 59953
consult extensively with appropriate student and faculty groups. 59954
Administrative decisions about the utilization of available 59955
resources, about organizational structure, about disciplinary 59956
procedure, about the operation and staffing of all auxiliary 59957
facilities, and about administrative personnel shall be the 59958
exclusive prerogative of boards of trustees. Any delegation of 59959
authority by a board of trustees in other areas of responsibility 59960
shall be accompanied by appropriate standards of guidance 59961
concerning expected objectives in the exercise of such delegated 59962
authority and shall be accompanied by periodic review of the 59963
exercise of this delegated authority to the end that the public 59964
interest, in contrast to any institutional or special interest, 59965
shall be served. 59966

The General Assembly recognizes the pilot tuition 59967
restructuring plan of the board of trustees of Miami University 59968

for undergraduate students enrolled at the Oxford campus. The 59969
purpose of this plan is to make higher education more affordable 59970
for moderate income Ohioans, encourage high-achieving Ohio 59971
students to stay in Ohio rather than attending colleges in other 59972
states, and provide incentives for Ohio students to major in areas 59973
crucial to Ohio's priorities and future economic development. 59974

Notwithstanding any limit on in-state undergraduate 59975
instructional and general fees imposed by this act, the General 59976
Assembly recognizes that the plan will provide that all 59977
undergraduate students enrolled at the Oxford campus will be 59978
charged combined instructional and general fees in an amount equal 59979
to the nonresident instructional and general fees and tuition 59980
surcharge. For both resident student first enrolling on or after 59981
the summer term of 2003 and resident students who enrolled prior 59982
to this date, any increases in fees approved thereafter by the 59983
board of trustees are subject to any instructional and general fee 59984
caps imposed by the General Assembly. 59985

The General Assembly recognizes that the plan provides that 59986
all students who are residents of Ohio will receive student 59987
financial assistance in an amount to be determined by the 59988
University. 59989

The General Assembly recognizes that the plan provides that, 59990
for any resident student who enrolls at the Miami University 59991
Oxford campus prior to August 2004, the plan will have no direct 59992
financial impact except for paper changes on invoices so that such 59993
a student would only pay instructional and general fees in an 59994
amount equivalent to what the student was charged in the preceding 59995
year in addition to any increases in fees approved by the board of 59996
trustees. 59997

Section 88.06. STUDENT SUPPORT SERVICES 59998

The foregoing appropriation item 235-502, Student Support 59999

Services, shall be distributed by the Board of Regents to Ohio's 60000
state-assisted colleges and universities that incur 60001
disproportionate costs in the provision of support services to 60002
disabled students. 60003

OHIO INSTRUCTIONAL GRANTS 60004

Notwithstanding section 3333.12 of the Revised Code, in lieu 60005
of the tables in that section, instructional grants for all 60006
full-time students shall be made for fiscal year 2004 using the 60007
tables under this heading. 60008

The tables under this heading prescribe the maximum grant 60009
amounts covering two semesters, three quarters, or a comparable 60010
portion of one academic year. The grant amount for a full-time 60011
student enrolled in an eligible institution for a semester or 60012
quarter in addition to the portion of the academic year covered by 60013
a grant determined under these tables shall be a percentage of the 60014
maximum prescribed in the applicable table. The maximum grant for 60015
a fourth quarter shall be one-third of the maximum amount 60016
prescribed under the table. The maximum grant for a third semester 60017
shall be one-half of the maximum amount prescribed under the 60018
table. 60019

For a full-time student who is a dependent and enrolled in a 60020
nonprofit educational institution that is not a state-assisted 60021
institution and that has a certificate of authorization issued 60022
pursuant to Chapter 1713. of the Revised Code, the amount of the 60023
instructional grant for two semesters, three quarters, or a 60024
comparable portion of the academic year shall be determined in 60025
accordance with the following table: 60026

Private Institution 60027

Table of Grants 60028

Maximum Grant \$5,466 60029

Gross Income Number of Dependents 60030

1 2 3 4 5 or 60031

						more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	60032
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	5,466	60033
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	5,466	60034
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	5,466	60035
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	5,466	60036
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	4,920	60037
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	4,362	60038
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	3,828	60039
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	3,288	60040
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	2,736	60041
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	2,178	60042
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	1,626	60043
\$34,001 - \$35,000	444	888	984	1,080	1,344	1,344	60044
\$35,001 - \$36,000	--	444	888	984	1,080	1,080	60045
\$36,001 - \$37,000	--	--	444	888	984	984	60046
\$37,001 - \$38,000	--	--	--	444	888	888	60047
\$38,001 - \$39,000	--	--	--	--	444	444	60048

For a full-time student who is financially independent and 60049
enrolled in a nonprofit educational institution that is not a 60050
state-assisted institution and that has a certificate of 60051
authorization issued pursuant to Chapter 1713. of the Revised 60052
Code, the amount of the instructional grant for two semesters, 60053
three quarters, or a comparable portion of the academic year shall 60054
be determined in accordance with the following table: 60055

Private Institution 60056

Table of Grants 60057

Maximum Grant \$5,466 60058

Gross Income Number of Dependents 60059

0 1 2 3 4 5 or 60060

more

Under \$4,800 \$5,466 \$5,466 \$5,466 \$5,466 \$5,466 \$5,466 60061

\$4,801 - \$5,300 4,920 5,466 5,466 5,466 5,466 5,466 60062

\$5,301 - \$5,800	4,362	5,028	5,466	5,466	5,466	5,466	60063
\$5,801 - \$6,300	3,828	4,584	5,028	5,466	5,466	5,466	60064
\$6,301 - \$6,800	3,288	4,158	4,584	5,028	5,466	5,466	60065
\$6,801 - \$7,300	2,736	3,726	4,158	4,584	5,028	5,466	60066
\$7,301 - \$8,300	2,178	3,282	3,726	4,158	4,584	5,028	60067
\$8,301 - \$9,300	1,626	2,838	3,282	3,726	4,158	4,584	60068
\$9,301 - \$10,300	1,344	2,394	2,838	3,282	3,726	4,158	60069
\$10,301 - \$11,800	1,080	2,166	2,394	2,838	3,282	3,726	60070
\$11,801 - \$13,300	984	1,956	2,166	2,394	2,838	3,282	60071
\$13,301 - \$14,800	888	1,878	1,956	2,166	2,394	2,838	60072
\$14,801 - \$16,300	444	1,692	1,878	1,956	2,166	2,394	60073
\$16,301 - \$19,300	--	1,122	1,584	1,770	1,956	2,166	60074
\$19,301 - \$22,300	--	546	1,014	1,476	1,662	1,848	60075
\$22,301 - \$25,300	--	438	546	1,014	1,476	1,662	60076
\$25,301 - \$30,300	--	324	438	546	1,014	1,476	60077
\$30,301 - \$35,300	--	198	216	270	324	792	60078

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 career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 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:

Career Institution							60087
Table of Grants							60088
Maximum Grant \$4,632							60089
Gross Income	Number of Dependents					60090	
	1	2	3	4	5 or more	60091	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	60092	
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	60093	
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	60094	

\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	60095
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	60096
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	60097
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	60098
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	60099
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	60100
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	60101
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	60102
\$33,001 - \$34,000	750	852	906	1,134	1,416	60103
\$34,001 - \$35,000	372	750	852	906	1,134	60104
\$35,001 - \$36,000	--	372	750	852	906	60105
\$36,001 - \$37,000	--	--	372	750	852	60106
\$37,001 - \$38,000	--	--	--	372	750	60107
\$38,001 - \$39,000	--	--	--	--	372	60108

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 career colleges and schools
 or a private institution exempt from regulation under Chapter
 3332. of the Revised Code as prescribed in section 3333.046 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:

Career Institution							60117
Table of Grants							60118
Maximum Grant \$4,632							60119
Gross Income	Number of Dependents						60120
	0	1	2	3	4	5 or more	60121
Under \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	60122
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	60123
\$5,301 - \$5,800	3,684	4,272	4,632	4,632	4,632	4,632	60124
\$5,801 - \$6,300	3,222	3,876	4,272	4,632	4,632	4,632	60125
\$6,301 - \$6,800	2,790	3,504	3,876	4,272	4,632	4,632	60126

\$6,801 - \$7,300	2,292	3,156	3,504	3,876	4,272	4,632	60127
\$7,301 - \$8,300	1,854	2,760	3,156	3,504	3,876	4,272	60128
\$8,301 - \$9,300	1,416	2,412	2,760	3,156	3,504	3,876	60129
\$9,301 - \$10,300	1,134	2,058	2,412	2,760	3,156	3,504	60130
\$10,301 - \$11,800	906	1,836	2,058	2,412	2,760	3,156	60131
\$11,801 - \$13,300	852	1,650	1,836	2,058	2,412	2,760	60132
\$13,301 - \$14,800	750	1,608	1,650	1,836	2,058	2,412	60133
\$14,801 - \$16,300	372	1,434	1,608	1,650	1,836	2,058	60134
\$16,301 - \$19,300	--	942	1,338	1,518	1,650	1,836	60135
\$19,301 - \$22,300	--	456	858	1,242	1,416	1,560	60136
\$22,301 - \$25,300	--	372	456	858	1,242	1,416	60137
\$25,301 - \$30,300	--	282	372	456	858	1,242	60138
\$30,301 - \$35,300	--	168	180	228	282	666	60139

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							60145
Table of Grants							60146
Maximum Grant \$2,190							60147
Gross Income	Number of Dependents						60148
	1	2	3	4	5 or more		60149
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		60150
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		60151
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		60152
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		60153
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		60154
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		60155
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740		60156
\$25,001 - \$28,000	648	864	1,080	1,320	1,542		60157
\$28,001 - \$31,000	522	648	864	1,080	1,320		60158

\$31,001 - \$32,000	420	522	648	864	1,080	60159
\$32,001 - \$33,000	384	420	522	648	864	60160
\$33,001 - \$34,000	354	384	420	522	648	60161
\$34,001 - \$35,000	174	354	384	420	522	60162
\$35,001 - \$36,000	--	174	354	384	420	60163
\$36,001 - \$37,000	--	--	174	354	384	60164
\$37,001 - \$38,000	--	--	--	174	354	60165
\$38,001 - \$39,000	--	--	--	--	174	60166

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							60172
Table of Grants							60173
Maximum Grant \$2,190							60174
Gross Income	Number of Dependents						60175
	0	1	2	3	4	5 or more	60176
Under \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	60177
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	60178
\$5,301 - \$5,800	1,740	2,016	2,190	2,190	2,190	2,190	60179
\$5,801 - \$6,300	1,542	1,830	2,016	2,190	2,190	2,190	60180
\$6,301 - \$6,800	1,320	1,674	1,830	2,016	2,190	2,190	60181
\$6,801 - \$7,300	1,080	1,494	1,674	1,830	2,016	2,190	60182
\$7,301 - \$8,300	864	1,302	1,494	1,674	1,830	2,016	60183
\$8,301 - \$9,300	648	1,128	1,302	1,494	1,674	1,830	60184
\$9,301 - \$10,300	522	954	1,128	1,302	1,494	1,674	60185
\$10,301 - \$11,800	420	858	954	1,128	1,302	1,494	60186
\$11,801 - \$13,300	384	774	858	954	1,128	1,302	60187
\$13,301 - \$14,800	354	744	774	858	954	1,128	60188
\$14,801 - \$16,300	174	678	744	774	858	954	60189
\$16,301 - \$19,300	--	450	630	702	774	858	60190

\$19,301 - \$22,300	--	216	402	594	654	732	60191
\$22,301 - \$25,300	--	174	216	402	594	654	60192
\$25,301 - \$30,300	--	132	174	216	402	594	60193
\$30,301 - \$35,300	--	78	84	102	132	312	60194

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.

The unencumbered balance of appropriation item 235-503, Ohio Instructional Grants, at the end of fiscal year 2004 shall be transferred to fiscal year 2005 for use under the same appropriation item. The amounts transferred are hereby appropriated.

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.

Section 88.07. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235-508, Air Force Institute of Technology, shall be used to strengthen the research and educational linkages between the Wright Patterson Air Force Base

and institutions of higher education in Ohio. Of the foregoing 60221
appropriation item 235-508, Air Force Institute of Technology, 60222
\$1,741,350 in fiscal year 2004 and \$1,697,816 in fiscal year 2005 60223
shall be used for research projects that connect the Air Force 60224
Research Laboratories with university partners. The institute 60225
shall provide annual reports to the Third Frontier Commission, 60226
that discuss existing, planned, or possible collaborations between 60227
programs and funding recipients related to technology, research 60228
development, commercialization, and support for Ohio's economic 60229
development. 60230

Of the foregoing appropriation item 235-508, Air Force 60231
Institute of Technology, \$500,000 in each fiscal year shall be 60232
used to match federal dollars to support the Wright Brothers 60233
Institute. Funds shall be used by the Wright Brothers Institute to 60234
create or expand Ohio-based technology and commercial development 60235
collaborations between industry, academia, and government in areas 60236
which include carbon nano-tube materials technology, genome-based 60237
biotechnology, knowledge-creation information technology, 60238
cognitive systems modeling and engineering, or other related 60239
projects as deemed appropriate by the institute. 60240

OHIO SUPERCOMPUTER CENTER 60241

The foregoing appropriation item 235-510, Ohio Supercomputer 60242
Center, shall be used by the Board of Regents to support the 60243
operation of the center, located at The Ohio State University, as 60244
a statewide resource available to Ohio research universities both 60245
public and private. It is also intended that the center be made 60246
accessible to private industry as appropriate. Policies of the 60247
center shall be established by a governance committee, 60248
representative of Ohio's research universities and private 60249
industry, to be appointed by the Chancellor of the Board of 60250
Regents and established for this purpose. 60251

The Ohio Supercomputer Center shall report on expanding 60252

solutions-oriented, computational science services to industrial 60253
and other customers, including alignment programs and recipients, 60254
and develop a plan for a computational science initiative in 60255
collaboration with the Wright Centers of Innovation program and 60256
the Computer Science Graduate Studies Program. 60257

COOPERATIVE EXTENSION SERVICE 60258

The foregoing appropriation item 235-511, Cooperative 60259
Extension Service, shall be disbursed through the Board of Regents 60260
to The Ohio State University in monthly payments, unless otherwise 60261
determined by the Director of Budget and Management pursuant to 60262
section 126.09 of the Revised Code. 60263

Of the foregoing appropriation item 235-511, Cooperative 60264
Extension Service, \$182,842 in fiscal year 2004 and \$178,271 in 60265
fiscal year 2005 shall be used for additional staffing for county 60266
agents for expanded 4-H activities. Of the foregoing appropriation 60267
item 235-511, Cooperative Extension Service, \$182,842 in fiscal 60268
year 2004 and \$178,271 in fiscal year 2005 shall be used by the 60269
Cooperative Extension Service, through the Enterprise Center for 60270
Economic Development in cooperation with other agencies, for a 60271
public-private effort to create and operate a small business 60272
economic development program to enhance the development of 60273
alternatives to the growing of tobacco, and implement, through 60274
applied research and demonstration, the production and marketing 60275
of other high-value crops and value-added products. Of the 60276
foregoing appropriation item 235-511, Cooperative Extension 60277
Service, \$56,594 in fiscal year 2004 and \$55,179 in fiscal year 60278
2005 shall be used for farm labor mediation and education 60279
programs. Of the foregoing appropriation item 235-511, Cooperative 60280
Extension Service, \$187,195 in fiscal year 2004 and \$182,515 in 60281
fiscal year 2005 shall be used to support the Ohio State 60282
University Marion Enterprise Center. 60283

Of the foregoing appropriation item 235-511, Cooperative 60284

Extension Service, \$792,750 in fiscal year 2004 and \$772,931 in 60285
fiscal year 2005 shall be used to support the Ohio Watersheds 60286
Initiative. 60287

CENTRAL STATE SUPPLEMENT 60288

The foregoing appropriation item 235-514, Central State 60289
Supplement, shall be used by Central State University to keep 60290
undergraduate fees below the statewide average, consistent with 60291
its mission of service to many first-generation college students 60292
from groups historically underrepresented in higher education and 60293
from families with limited incomes. 60294

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 60295

The Board of Regents, in consultation with the state-assisted 60296
medical colleges, shall develop performance standards for medical 60297
education. Special emphasis in the standards shall be placed on 60298
attempting to ensure that at least 50 per cent of the aggregate 60299
number of students enrolled in state-assisted medical colleges 60300
continue to enter residency as primary care physicians. Primary 60301
care physicians are general family practice physicians, general 60302
internal medicine practitioners, and general pediatric care 60303
physicians. The Board of Regents shall monitor medical school 60304
performance in relation to their plans for reaching the 50 per 60305
cent systemwide standard for primary care physicians. 60306

Section 88.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 60307
MEDICINE 60308

The foregoing appropriation item 235-515, Case Western 60309
Reserve University School of Medicine, shall be disbursed to Case 60310
Western Reserve University through the Board of Regents in 60311
accordance with agreements entered into as provided for by section 60312
3333.10 of the Revised Code, provided that the state support per 60313
full-time medical student shall not exceed that provided to 60314

full-time medical students at state universities. 60315

STATE UNIVERSITY CLINICAL TEACHING 60316

The foregoing appropriation items 235-536, The Ohio State 60317
University Clinical Teaching; 235-537, University of Cincinnati 60318
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 60319
Clinical Teaching; 235-539, Wright State University Clinical 60320
Teaching; 235-540, Ohio University Clinical Teaching; and 235-543, 60321
Northeastern Ohio Universities College of Medicine Clinical 60322
Teaching, shall be distributed through the Board of Regents. 60323

Of the foregoing appropriation item 235-539, Wright State 60324
University Clinical Teaching, \$124,644 in each fiscal year of the 60325
biennium shall be for the use of Wright State University's Ellis 60326
Institute for Clinical Teaching Studies to operate the clinical 60327
facility to serve the Greater Dayton area. 60328

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 60329
RESIDENCIES 60330

The Board of Regents shall develop plans consistent with 60331
existing criteria and guidelines as may be required for the 60332
distribution of appropriation items 235-519, Family Practice, 60333
235-525, Geriatric Medicine, and 235-526, Primary Care 60334
Residencies. 60335

SHAWNEE STATE SUPPLEMENT 60336

The foregoing appropriation item 235-520, Shawnee State 60337
Supplement, shall be used by Shawnee State University as detailed 60338
by both of the following: 60339

(A) To allow Shawnee State University to keep its 60340
undergraduate fees below the statewide average, consistent with 60341
its mission of service to an economically depressed Appalachian 60342
region; 60343

(B) To allow Shawnee State University to employ new faculty 60344

to develop and teach in new degree programs that meet the needs of 60345
Appalachians. 60346

POLICE AND FIRE PROTECTION 60347

The foregoing appropriation item 235-524, Police and Fire 60348
Protection, shall be used for police and fire services in the 60349
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 60350
Portsmouth, Xenia Township (Greene County), Rootstown Township, 60351
and the City of Nelsonville, that may be used to assist these 60352
local governments in providing police and fire protection for the 60353
central campus of the state-affiliated university located therein. 60354
Each participating municipality and township shall receive at 60355
least \$5,000 each year. Funds shall be distributed according to 60356
the methodology employed by the Board of Regents in the previous 60357
biennium. 60358

PRIMARY CARE RESIDENCIES 60359

The foregoing appropriation item 235-526, Primary Care 60360
Residencies, shall be distributed in each fiscal year of the 60361
biennium, based on whether or not the institution has submitted 60362
and gained approval for a plan. If the institution does not have 60363
an approved plan, it shall receive five per cent less funding per 60364
student than it would have received from its annual allocation. 60365
The remaining funding shall be distributed among those 60366
institutions that meet or exceed their targets. 60367

OHIO AEROSPACE INSTITUTE 60368

The foregoing appropriation item 235-527, Ohio Aerospace 60369
Institute, shall be distributed by the Board of Regents under 60370
section 3333.042 of the Revised Code. The Board of Regents, in 60371
conjunction with the Third Frontier Commission, shall review the 60372
progress of the Ohio Aerospace Institute's efforts in the context 60373
of the original mission to support academic research and education 60374
in aerospace engineering. These findings will be used to determine 60375

whether or not the institute shall continue to receive state 60376
funding. If a determination is made to discontinue state support 60377
for the Ohio Aerospace Institute through this appropriation item, 60378
the Board of Regents may utilize this appropriation item to fund 60379
other initiatives that support the advancement of aerospace 60380
research or education in aerospace engineering. 60381

ACADEMIC SCHOLARSHIPS 60382

The foregoing appropriation item 235-530, Academic 60383
Scholarships, shall be used to provide academic scholarships to 60384
students under section 3333.22 of the Revised Code. 60385

STUDENT CHOICE GRANTS 60386

The foregoing appropriation item 235-531, Student Choice 60387
Grants, shall be used to support the Student Choice Grant Program 60388
created by section 3333.27 of the Revised Code. The unencumbered 60389
balance of appropriation item 235-531, Student Choice Grants, at 60390
the end of fiscal year 2004 shall be transferred to fiscal year 60391
2005 for use under the same appropriation item to maintain grant 60392
award amounts in fiscal year 2005 equal to the awards provided in 60393
fiscal year 2004. The amounts transferred are hereby appropriated. 60394

STUDENT WORKFORCE DEVELOPMENT GRANTS 60395

The foregoing appropriation item 235-534, Student Workforce 60396
Development Grants, shall be used to support the Student Workforce 60397
Development Grant Program. Of the appropriated funds available, 60398
the Board of Regents shall distribute grants to each eligible 60399
student in an academic year. The size of each grant award shall be 60400
determined by the Board of Regents based on the amount of funds 60401
available for the program. 60402

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 60403

The foregoing appropriation item 235-535, Ohio Agricultural 60404
Research and Development Center, shall be disbursed through the 60405

Board of Regents to The Ohio State University in monthly payments, 60406
unless otherwise determined by the Director of Budget and 60407
Management pursuant to section 126.09 of the Revised Code. The 60408
Ohio Agricultural Research and Development Center shall not be 60409
required to remit payment to The Ohio State University during the 60410
2003-2005 biennium for cost reallocation assessments. The cost 60411
reallocation assessments include, but are not limited to, any 60412
assessment on state appropriations to the center. The Ohio 60413
Agricultural Research and Development Center, in conjunction with 60414
the Third Frontier Commission, shall provide for an independently 60415
evaluated self-study of research excellence and commercial 60416
relevance in a manner to be prescribed by the Third Frontier 60417
Commission. 60418

Of the foregoing appropriation item 235-535, Ohio 60419
Agricultural Research and Development Center, \$470,164 in fiscal 60420
year 2004 and \$458,410 in fiscal year 2005 shall be used to 60421
purchase equipment. 60422

Of the foregoing appropriation item 235-535, Ohio 60423
Agricultural Research and Development Center, \$827,141 in fiscal 60424
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 60425
the Piketon Agricultural Research and Extension Center. 60426

Of the foregoing appropriation item 235-535, Ohio 60427
Agricultural Research and Development Center, \$217,669 in fiscal 60428
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 60429
the Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 60430
State University Medical College in cooperation with the Ohio 60431
State University College of Agriculture. 60432

Of the foregoing appropriation item 235-535, Ohio 60433
Agricultural Research and Development Center, \$43,534 in fiscal 60434
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 60435
the Ohio Berry Administrator. 60436

Of the foregoing appropriation item 235-535, Ohio 60437
Agricultural Research and Development Center, \$87,067 in fiscal 60438
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 60439
development of agricultural crops and products not currently in 60440
widespread production in Ohio, in order to increase the income and 60441
viability of family farmers. 60442

SCHOOL OF INTERNATIONAL BUSINESS 60443

Of the foregoing appropriation item 235-547, School of 60444
International Business, \$1,061,148 in fiscal year 2004 and 60445
\$1,034,620 in fiscal year 2005 shall be used for the continued 60446
development and support of the School of International Business of 60447
the state universities of northeast Ohio. The money shall go to 60448
the University of Akron. These funds shall be used by the 60449
university to establish a School of International Business located 60450
at the University of Akron. It may confer with Kent State 60451
University, Youngstown State University, and Cleveland State 60452
University as to the curriculum and other matters regarding the 60453
school. 60454

Of the foregoing appropriation item 235-547, School of 60455
International Business, \$213,315 in fiscal year 2004 and \$207,982 60456
in fiscal year 2005 shall be used by the University of Toledo 60457
College of Business for expansion of its international business 60458
programs. 60459

Of the foregoing appropriation item 235-547, School of 60460
International Business, \$213,315 in fiscal year 2004 and \$207,982 60461
in fiscal year 2005 shall be used to support the Ohio State 60462
University BioMEMS program. 60463

PART-TIME STUDENT INSTRUCTIONAL GRANTS 60464

The foregoing appropriation item 235-549, Part-time Student 60465
Instructional Grants, shall be used to support a grant program for 60466
part-time undergraduate students who are Ohio residents and who 60467

are enrolled in degree granting programs. 60468

Eligibility for participation in the program shall include 60469
degree granting educational institutions that hold a certificate 60470
of registration from the State Board of Career Colleges and 60471
Schools, and nonprofit institutions that have a certificate of 60472
authorization issued pursuant to Chapter 1713. of the Revised 60473
Code, as well as state-assisted colleges and universities. Grants 60474
shall be given to students on the basis of need, as determined by 60475
the college, which, in making these determinations, shall give 60476
special consideration to single-parent heads-of-household and 60477
displaced homemakers who enroll in an educational degree program 60478
that prepares the individual for a career. In determining need, 60479
the college also shall consider the availability of educational 60480
assistance from a student's employer. It is the intent of the 60481
General Assembly that these grants not supplant such assistance. 60482

Section 88.09. DAYTON AREA GRADUATE STUDIES INSTITUTE 60483

The foregoing appropriation item 235-553, Dayton Area 60484
Graduate Studies Institute, shall be used by the Board of Regents 60485
to support the Dayton Area Graduate Studies Institute, an 60486
engineering graduate consortium of three universities in the 60487
Dayton area: Wright State University, the University of Dayton, 60488
and the Air Force Institute of Technology, with the participation 60489
of the University of Cincinnati and The Ohio State University. 60490

COMPUTER SCIENCE GRADUATE EDUCATION 60491

The foregoing appropriation item 235-554, Computer Science 60492
Graduate Education, shall be used by the Board of Regents to 60493
support improvements in graduate programs in computer science at 60494
state-assisted universities. Up to \$174,135 in fiscal year 2004, 60495
and up to \$169,782 in fiscal year 2005, may be used to support 60496
collaborative efforts in graduate education in this program area. 60497
The collaborative program shall be coordinated by the Ohio 60498

Supercomputer Center.	60499
OHIO ACADEMIC RESOURCES NETWORK (OARNET)	60500
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. The network shall give priority to supporting the Third Frontier Network and allocating bandwidth to programs directly supporting Ohio's economic development.	60501 60502 60503 60504 60505 60506 60507
LONG-TERM CARE RESEARCH	60508
The foregoing appropriation item 235-558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.	60509 60510 60511
BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER	60512
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.	60513 60514 60515 60516 60517
THE OHIO STATE UNIVERSITY CLINIC SUPPORT	60518
The foregoing appropriation item 235-572, The 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.	60519 60520 60521 60522
Section 88.10. URBAN UNIVERSITY PROGRAMS	60523
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	60524 60525 60526 60527

matched on a one-to-one basis with equivalent resources. Overhead 60528
support may not be used to meet this requirement. Where Urban 60529
University Program funds are being used to support an ongoing 60530
university unit, matching funds shall come from continuing rather 60531
than one-time sources. At each participating state-assisted 60532
institution of higher education, matching funds shall be within 60533
the substantial control of the individual designated by the 60534
institution's president as the Urban University Program 60535
representative. 60536

Of the foregoing appropriation item 235-583, Urban University 60537
Programs, \$324,239 in fiscal year 2004 and \$316,134 in fiscal year 60538
2005 shall be used to support a public communication outreach 60539
program (WCPN). The primary purpose of the program shall be to 60540
develop a relationship between Cleveland State University and 60541
nonprofit communications entities. 60542

Of the foregoing appropriation item 235-583, Urban University 60543
Programs, \$153,587 in fiscal year 2004 and \$149,748 in fiscal year 60544
2005 shall be used to support the Center for the Interdisciplinary 60545
Study of Education and the Urban Child at Cleveland State 60546
University. These funds shall be distributed according to rules 60547
adopted by the Board of Regents and shall be used by the center 60548
for interdisciplinary activities targeted toward increasing the 60549
chance of lifetime success of the urban child, including 60550
interventions beginning with the prenatal period. The primary 60551
purpose of the center is to study issues in urban education and to 60552
systematically map directions for new approaches and new solutions 60553
by bringing together a cadre of researchers, scholars, and 60554
professionals representing the social, behavioral, education, and 60555
health disciplines. 60556

Of the foregoing appropriation item 235-583, Urban University 60557
Programs, \$221,848 in fiscal year 2004 and \$216,302 in fiscal year 60558
2005 shall be used to support the Kent State University Learning 60559

and Technology Project. This project is a kindergarten through 60560
university collaboration between schools surrounding Kent's eight 60561
campuses in northeast Ohio, and corporate partners who will assist 60562
in development and delivery. 60563

The Kent State University Project shall provide a faculty 60564
member who has a full-time role in the development of 60565
collaborative activities and teacher instructional programming 60566
between Kent and the K-12th grade schools that surround its eight 60567
campuses; appropriate student support staff to facilitate these 60568
programs and joint activities; and hardware and software to 60569
schools that will make possible the delivery of instruction to 60570
pre-service and in-service teachers, and their students, in their 60571
own classrooms or school buildings. This shall involve the 60572
delivery of low-bandwidth streaming video and web-based 60573
technologies in a distributed instructional model. 60574

Of the foregoing appropriation item 235-583, Urban University 60575
Programs, \$85,326 in fiscal year 2004 and \$83,193 in fiscal year 60576
2005 shall be used to support the Ameritech Classroom/Center 60577
for Research at Kent State University. 60578

Of the foregoing appropriation item 235-583, Urban University 60579
Programs, \$853,262 in fiscal year 2004 and \$831,930 in fiscal year 60580
2005 shall be used to support the Polymer Distance Learning 60581
Project at the University of Akron. 60582

Of the foregoing appropriation item 235-583, Urban University 60583
Programs, \$42,663 in fiscal year 2004 and \$41,596 in fiscal year 60584
2005 shall be distributed to the Kent State University/Cleveland 60585
Design Center program. 60586

Of the foregoing appropriation item 235-583, Urban University 60587
Programs, \$213,315 in fiscal year 2004 and \$207,982 in fiscal year 60588
2005 shall be used to support the Bliss Institute of Applied 60589
Politics at the University of Akron. 60590

Of the foregoing appropriation item 235-583, Urban University Programs, \$12,800 in fiscal year 2004 and \$12,478 in fiscal year 2005 shall be used for the Advancing-Up Program at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$1,877,723 in fiscal year 2004 and \$1,830,780 in fiscal year 2005 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, \$1,877,723 in fiscal year 2004 and \$1,830,781 in fiscal year 2005 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.

RURAL UNIVERSITY PROJECTS

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$184,646 in fiscal year 2004 and \$180,029 in fiscal year 2005, Miami University shall receive \$282,537 in fiscal year 2004 and \$275,473 in fiscal year 2005, and Ohio University shall receive \$645,150 in fiscal year 2004 and \$629,021 in fiscal year 2005. 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, \$21,331 in fiscal year 2004 and \$20,798 in fiscal year 2005 shall be used to support the Washington State Community

College day care center. 60622

Of the foregoing appropriation item 235-587, Rural University 60623
Projects, \$63,995 in fiscal year 2004 and \$62,396 in fiscal year 60624
2005 shall be used to support the COAD/ILGARD/GOA Appalachian 60625
Leadership Initiative. 60626

A small portion of the funds provided to Ohio University 60627
shall also be used for the Institute for Local Government 60628
Administration and Rural Development State and Rural Policy 60629
Partnership with the Governor's Office of Appalachia and the 60630
Appalachian delegation of the General Assembly. 60631

**Section 88.11. OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, 60632
AND READING 60633**

The foregoing appropriation item 235-588, Ohio Resource 60634
Center for Mathematics, Science, and Reading, shall be used to 60635
support a resource center for mathematics, science, and reading to 60636
be located at a state-assisted university for the purpose of 60637
identifying best educational practices in primary and secondary 60638
schools and establishing methods for communicating them to 60639
colleges of education and school districts. 60640

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 60641

The foregoing appropriation item 235-595, International 60642
Center for Water Resources Development, shall be used to support 60643
the International Center for Water Resources Development at 60644
Central State University. The center shall develop methods to 60645
improve the management of water resources for Ohio and for 60646
emerging nations. 60647

HAZARDOUS MATERIALS PROGRAM 60648

The foregoing appropriation item 235-596, Hazardous Materials 60649
Program, shall be disbursed to Cleveland State University for the 60650
operation of a program to certify firefighters for the handling of 60651

hazardous materials. Training shall be available to all Ohio
firefighters. 60652
60653

Of the foregoing appropriation item 235-596, Hazardous
Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in
fiscal year 2005 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. 60654
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NATIONAL GUARD SCHOLARSHIP PROGRAM 60667

The Board of Regents shall disburse funds from appropriation
item 235-599, National Guard Scholarship Program, at the direction
of the Adjutant General. 60668
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* PLEDGE OF FEES 60671

Any new pledge of fees, or new agreement for adjustment of
fees, made in the 2003-2005 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. 60672
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HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 60678

The foregoing appropriation item 235-909, Higher Education
General Obligation Debt Service, shall be used to pay all debt
service and related financing costs at the times they are required
to be made pursuant to sections 151.01 and 151.04 of the Revised 60679
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Code during the period from July 1, 2003, to June 30, 2005. The 60683
Office of the Sinking Fund or the Director of Budget and 60684
Management shall effectuate the required payments by an intrastate 60685
transfer voucher. 60686

Section 88.12. OHIO HIGHER EDUCATIONAL FACILITY COMMISSION 60687
SUPPORT 60688

The foregoing appropriation item 235-602, Higher Educational 60689
Facility Commission Administration, shall be used by the Board of 60690
Regents for operating expenses related to the Board of Regents' 60691
support of the activities of the Ohio Higher Educational Facility 60692
Commission. Upon the request of the chancellor, the Director of 60693
Budget and Management shall transfer up to \$20,000 cash from Fund 60694
461 to Fund 4E8 in each fiscal year of the biennium. 60695

PHYSICIAN LOAN REPAYMENT 60696

The foregoing appropriation item 235-604, Physician Loan 60697
Repayment, shall be used in accordance with sections 3702.71 to 60698
3702.81 of the Revised Code. 60699

NURSING LOAN PROGRAM 60700

The foregoing appropriation item 235-606, Nursing Loan 60701
Program, shall be used to administer the nurse education 60702
assistance program. Up to \$159,600 in fiscal year 2004 and 60703
\$167,580 in fiscal year 2005 may be used for operating expenses 60704
associated with the program. Any additional funds needed for the 60705
administration of the program are subject to Controlling Board 60706
approval. 60707

Section 88.13. SCIENCE AND TECHNOLOGY COLLABORATION 60708

The Board of Regents shall work in close collaboration with 60709
the Department of Development, Air Quality Development Authority, 60710
and the Third Frontier Commission in relation to appropriation 60711

items and programs listed in the following paragraph, and other 60712
technology-related appropriations and programs in the Department 60713
of Development and the Board of Regents as these agencies may 60714
designate, to ensure implementation of a coherent state strategy 60715
with respect to science and technology. 60716

Each of the following appropriations and programs: 195-401, 60717
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 60718
Third Frontier Action Fund; 898-604, Coal Research and Development 60719
Fund; 235-454, Research Challenge; 235-508, Air Force Institute of 60720
Technology; 235-510, Ohio Supercomputer Center; 235-527, Ohio 60721
Aerospace Institute; 235-535, Ohio Agricultural Research and 60722
Development Center; 235-553, Dayton Area Graduate Studies 60723
Institute; 235-554, Computer Science Graduate Education; 235-556, 60724
Ohio Academic Resources Network; and 195-405, Biomedical Research 60725
and Technology Transfer Trust, shall be reviewed annually by the 60726
Third Frontier Commission with respect to its development of 60727
complementary relationships within a combined state science and 60728
technology investment portfolio and its overall contribution to 60729
the state's science and technology strategy, including the 60730
adoption of appropriately consistent criteria for: (1) the 60731
scientific merit of activities supported by the program; (2) the 60732
relevance of the program's activities to commercial opportunities 60733
in the private sector; (3) the private sector's involvement in a 60734
process that continually evaluates commercial opportunities to use 60735
the work supported by the program; and (4) the ability of the 60736
program and recipients of grant funding from the program to engage 60737
in activities that are collaborative, complementary, and efficient 60738
with respect to the expenditure of state funds. All programs 60739
listed above shall provide annual reports to the Third Frontier 60740
Commission discussing existing, planned, or possible 60741
collaborations between programs and recipients of grant funding 60742
related to technology, development, commercialization, and 60743
supporting Ohio's economic development. The annual review by the 60744

Third Frontier Commission shall be a comprehensive review of the 60745
entire state science and technology program portfolio rather than 60746
a review of individual programs. 60747

REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS 60748

Notwithstanding any provision of law to the contrary, all 60749
repayments of Research Facility Investment Fund loans shall be 60750
made to the Bond Service Trust Fund. All Research Facility 60751
Investment Fund loan repayments made prior to the effective date 60752
of this section shall be transferred by the Director of Budget and 60753
Management to the Bond Service Trust Fund within sixty days of the 60754
effective date of this section. 60755

Campuses shall make timely repayments of Research Facility 60756
Investment Fund loans, according to the schedule established by 60757
the Board of Regents. In the case of late payments, the Board of 60758
Regents may deduct from an institution's periodic subsidy 60759
distribution an amount equal to the amount of the overdue payment 60760
for that institution, transfer such amount to the Bond Service 60761
Trust Fund, and credit the appropriate institution for the 60762
repayment. 60763

VETERANS' PREFERENCES 60764

The Board of Regents shall work with the Governor's Office of 60765
Veterans' Affairs to develop specific veterans' preference 60766
guidelines for higher education institutions. These guidelines 60767
shall ensure that the institutions' hiring practices are in 60768
accordance with the intent of Ohio's veterans' preference laws. 60769

Section 88.14. COMPREHENSIVE PLAN FOR HIGHER EDUCATION 60770

(A) The Board of Regents shall develop a comprehensive plan 60771
for higher education that includes all of the following: 60772

(1) The plan shall seek to eliminate duplications of academic 60773
programs at the graduate, professional, and doctoral levels. In 60774

eliminating duplications, the Board of Regents shall consider 60775
either a statewide or regional approach. 60776

(2) The plan shall identify public and private higher 60777
education institutions to recommend as part of an Ohio Centers of 60778
Excellence program. 60779

(3) The plan shall recommend that the six current 60780
state-supported medical colleges be consolidated into a Public 60781
Medical College System consisting of three institutions focusing 60782
on academics and research and three institutions focusing on 60783
clinical teaching and clinical research. 60784

(B) Not later than April 1, 2004, the Board of Regents shall 60785
submit its comprehensive plan for higher education to the General 60786
Assembly for the General Assembly's approval. 60787

Section 88.15. ELIMINATION OF ONE PUBLIC LAW SCHOOL 60788

Not later than September 1, 2003, the Board of Regents shall 60789
identify one public law school for elimination. The Board of 60790
Regents shall use as a baseline in its determination the final 60791
report on Juris Doctor Education in the State of Ohio prepared by 60792
the Committee for the Statewide Review of Juris Doctor Education 60793
on January 4, 1996. The Board of Regents shall also use any other 60794
relevant information that is necessary to make its determination. 60795

The institution identified by the Board of Regents shall 60796
immediately begin a phase out of the institution's law school 60797
program. The institution shall not accept any new law students for 60798
first enrollment beginning with the summer semester of 2004. The 60799
institution shall effectively close its law school prior to the 60800
fall semester of 2006. 60801

The state share of instruction subsidy provided in fiscal 60802
year 2005 for students enrolled in the law school identified to be 60803
closed shall be not more the two-thirds of the subsidy amount 60804

received by the same institution for students enrolled in the law school in fiscal year 2004. 60805
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It is the intent of the General Assembly that the state share of instruction subsidy provided in fiscal year 2006 for students enrolled in the law school identified to be closed shall be not more than one-third of the subsidy amount received by the same institution for students enrolled in the law school in fiscal year 2004. 60807
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It is the intent of the General Assembly that in fiscal year 2007, no state share of instruction subsidy shall be provided for students enrolled in the law school identified to be closed. 60813
60814
60815

Section 89. DRC DEPARTMENT OF REHABILITATION AND CORRECTION 60816

General Revenue Fund 60817

GRF 501-321 Institutional \$ 850,381,155 \$ 861,557,899 60818

Operations

GRF 501-403 Prisoner Compensation \$ 8,705,052 \$ 8,705,052 60819

GRF 501-405 Halfway House \$ 35,140,139 \$ 35,579,419 60820

GRF 501-406 Lease Rental Payments \$ 141,997,000 \$ 146,307,900 60821

GRF 501-407 Community \$ 15,161,353 \$ 15,352,814 60822

Nonresidential

Programs

GRF 501-408 Community Misdemeanor \$ 7,942,211 \$ 8,041,489 60823

Programs

GRF 501-501 Community Residential \$ 52,220,123 \$ 52,872,875 60824

Programs - CBCF

GRF 502-321 Mental Health Services \$ 67,302,290 \$ 68,265,662 60825

GRF 503-321 Parole and Community \$ 77,695,938 \$ 78,845,845 60826

Operations

GRF 504-321 Administrative \$ 27,033,707 \$ 27,420,848 60827

Operations

GRF 505-321 Institution Medical \$ 118,406,940 \$ 120,014,320 60828

		Services				
GRF	506-321	Institution Education	\$	24,335,287	\$	24,747,574 60829
		Services				
GRF	507-321	Institution Recovery	\$	7,018,500	\$	7,124,516 60830
		Services				
TOTAL GRF	General Revenue Fund		\$	1,433,339,695	\$	1,454,836,213 60831
	General Services Fund Group					60832
4B0	501-601	Penitentiary Sewer	\$	1,693,129	\$	1,758,177 60833
		Treatment Facility				
		Services				
4D4	501-603	Prisoner Programs	\$	20,537,291	\$	20,967,703 60834
4L4	501-604	Transitional Control	\$	1,348,740	\$	1,593,794 60835
4S5	501-608	Education Services	\$	4,452,754	\$	4,564,072 60836
483	501-605	Property Receipts	\$	383,894	\$	393,491 60837
5H8	501-617	Offender Financial	\$	735,000	\$	774,020 60838
		Responsibility				
5L6	501-611	Information Technology	\$	3,650,712	\$	3,741,980 60839
		Services				
571	501-606	Training Academy	\$	73,356	\$	75,190 60840
		Receipts				
593	501-618	Laboratory Services	\$	4,707,730	\$	4,825,423 60841
TOTAL GSF	General Services Fund		\$	37,582,606	\$	38,693,850 60842
	Group					
	Federal Special Revenue Fund Group					60843
3S1	501-615	Truth-In-Sentencing	\$	24,604,435	\$	25,517,173 60844
		Grants				
323	501-619	Federal Grants	\$	10,759,329	\$	11,300,335 60845
TOTAL FED	Federal Special Revenue					60846
Fund Group			\$	35,363,764	\$	36,817,508 60847
	Intragovernmental Service Fund Group					60848
148	501-602	Services and	\$	95,207,653	\$	95,207,653 60849
		Agricultural				

200 501-607 Ohio Penal Industries	\$ 29,748,175	\$ 31,491,879	60850
TOTAL ISF Intragovernmental			60851
Service Fund Group	\$ 124,955,828	\$ 126,699,532	60852
TOTAL ALL BUDGET FUND GROUPS	\$ 1,631,241,893	\$ 1,657,047,103	60853

ZERO-BASED BUDGETING 60854

The Director of Budget and Management shall prepare a full 60855
zero-based budget for the biennium ending June 30, 2007, for the 60856
Department of Rehabilitation and Correction. The Director shall 60857
offer the Department substantial technical assistance throughout 60858
the process of preparing its zero-based budget. The Department 60859
shall prepare a full zero-based budget in such manner and 60860
according to such schedule as the Director of Budget and 60861
Management requires. The zero-based budget shall, as the Director 60862
of Budget and Management determines, be in addition to or in place 60863
of the estimates of revenue and proposed expenditures that the 60864
Department otherwise would be required to prepare under section 60865
126.02 of the Revised Code. 60866

OHIO BUILDING AUTHORITY LEASE PAYMENTS 60867

The foregoing appropriation item 501-406, Lease Rental 60868
Payments, shall be used for payments to the Ohio Building 60869
Authority for the period July 1, 2003, to June 30, 2005, pursuant 60870
to the primary leases and agreements for those buildings made 60871
under Chapter 152. of the Revised Code but limited to the 60872
aggregate amount of \$288,304,900. This appropriation amount is the 60873
source of funds pledged for bond service charges on related 60874
obligations issued pursuant to Chapter 152. of the Revised Code. 60875

PRISONER COMPENSATION 60876

Money from the foregoing appropriation item 501-403, Prisoner 60877
Compensation, shall be transferred on a quarterly basis by 60878
intrastate transfer voucher to the Services and Agricultural Fund 60879
(Fund 148) for the purposes of paying prisoner compensation. 60880

Section 90. RSC REHABILITATION SERVICES COMMISSION				60881
General Revenue Fund				60882
GRF 415-100	Personal Services	\$ 8,506,587	\$ 8,506,587	60883
GRF 415-402	Independent Living	\$ 12,040	\$ 12,040	60884
Council				
GRF 415-403	Mental Health Services	\$ 717,221	\$ 717,221	60885
GRF 415-404	MR/DD Services	\$ 1,260,816	\$ 1,260,816	60886
GRF 415-405	Vocational	\$ 536,912	\$ 536,912	60887
Rehabilitation/Job and Family Services				
GRF 415-406	Assistive Technology	\$ 47,531	\$ 47,531	60888
GRF 415-431	Office for People with	\$ 182,364	\$ 182,364	60889
Brain Injury				
GRF 415-506	Services for People	\$ 11,830,306	\$ 12,185,215	60890
with Disabilities				
GRF 415-509	Services for the	\$ 359,377	\$ 359,377	60891
Elderly				
GRF 415-520	Independent Living	\$ 48,208	\$ 48,208	60892
Services				
TOTAL GRF	General Revenue Fund	\$ 23,501,362	\$ 23,856,271	60893
General Services Fund Group				60894
4W5 415-606	Administrative	\$ 18,016,543	\$ 18,557,040	60895
Expenses				
467 415-609	Business Enterprise	\$ 1,584,545	\$ 1,632,082	60896
Operating Expenses				
TOTAL GSF	General Services			60897
Fund Group				\$ 19,601,088 \$ 20,189,122 60898
Federal Special Revenue Fund Group				60899
3L1 415-601	Social Security	\$ 3,984,486	\$ 3,988,032	60900
Personal Care Assistance				

3L1	415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	60901
3L1	415-607	Social Security Administration Cost	\$	174,119	\$	175,860	60902
3L1	415-608	Social Security Special Programs/Assistance	\$	6,941,158	\$	6,941,158	60903
3L1	415-610	Social Security Vocational Rehabilitation	\$	1,338,324	\$	1,338,324	60904
3L1	415-614	Social Security Independent Living	\$	385,917	\$	385,917	60905
3L4	415-612	Federal-Independent Living Centers or Services	\$	663,687	\$	663,687	60906
3L4	415-615	Federal - Supported Employment	\$	1,714,546	\$	1,714,546	60907
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,582,484	\$	1,582,484	60908
317	415-620	Disability Determination	\$	73,120,329	\$	76,776,343	60909
379	415-616	Federal-Vocational Rehabilitation	\$	117,955,833	\$	125,520,457	60910
TOTAL FED		Federal Special Revenue Fund Group					60911
			\$	208,961,371	\$	220,187,296	60912
		State Special Revenue Fund Group					60913
4L1	415-619	Services for Rehabilitation	\$	3,623,845	\$	3,176,070	60914
468	415-618	Third Party Funding	\$	1,692,991	\$	2,392,991	60915
TOTAL SSR		State Special					60916

Revenue Fund Group	\$	5,316,836	\$	5,569,061	60917
TOTAL ALL BUDGET FUND GROUPS	\$	257,380,657	\$	269,801,750	60918

MR/DD SERVICES 60919

The foregoing appropriation item 415-404, MR/DD Services, 60920
shall be used as state matching funds to provide vocational 60921
rehabilitation services to mutually eligible clients between the 60922
Rehabilitation Services Commission and the Department of Mental 60923
Retardation and Developmental Disabilities. The Rehabilitation 60924
Services Commission shall report to the Department of Mental 60925
Retardation and Developmental Disabilities, as outlined in an 60926
interagency agreement, on the number and status of mutually 60927
eligible clients and the status of the funds and expenditures for 60928
these clients. 60929

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 60930

The foregoing appropriation item 415-405, Vocational 60931
Rehabilitation/Job and Family Services, shall be used as state 60932
matching funds to provide vocational rehabilitation services to 60933
mutually eligible clients between the Rehabilitation Services 60934
Commission and the Department of Job and Family Services. The 60935
Rehabilitation Services Commission shall report to the Department 60936
of Job and Family Services, as outlined in an interagency 60937
agreement, on the number and status of mutually eligible clients 60938
and the status of the funds and expenditures for these clients. 60939

ASSISTIVE TECHNOLOGY 60940

The foregoing appropriation item 415-406, Assistive 60941
Technology, shall be provided to Assistive Technology of Ohio and 60942
shall be used only to provide grants under that program. No amount 60943
of the appropriation may be used for administrative costs. 60944

OFFICE FOR PEOPLE WITH BRAIN INJURY 60945

Of the foregoing appropriation item 415-431, Office for 60946

People with Brain Injury, \$50,000 in each fiscal year shall be 60947
used for the state match for a federal grant awarded through the 60948
Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 60949
in fiscal year 2004 and up to \$50,000 in fiscal year 2005 shall be 60950
provided to the Brain Injury Trust Fund. The remaining 60951
appropriation in this item shall be used to plan and coordinate 60952
head-injury-related services provided by state agencies and other 60953
government or private entities, to assess the needs for such 60954
services, and to set priorities in this area. 60955

SERVICES FOR THE ELDERLY 60956

The foregoing appropriation item 415-509, Services for the 60957
Elderly, shall be used as matching funds for vocational 60958
rehabilitation services for eligible elderly citizens with a 60959
disability. 60960

SOCIAL SECURITY REIMBURSEMENT FUNDS 60961

Reimbursement funds received from the Social Security 60962
Administration, United States Department of Health and Human 60963
Services, for the costs of providing services and training to 60964
return disability recipients to gainful employment, shall be used 60965
in the Social Security Reimbursement Fund (Fund 3L1), as follows: 60966

(A) Appropriation item 415-601, Social Security Personal Care 60967
Assistance, to provide personal care services in accordance with 60968
section 3304.41 of the Revised Code; 60969

(B) Appropriation item 415-605, Social Security Community 60970
Centers for the Deaf, to provide grants to community centers for 60971
the deaf in Ohio for services to individuals with hearing 60972
impairments; 60973

(C) Appropriation item 415-607, Social Security 60974
Administration Cost, to provide administrative services needed to 60975
administer the Social Security reimbursement program; 60976

(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 older blind individuals with severe disabilities to achieve a noncompetitive employment goal.

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 item 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. 61007

INDEPENDENT LIVING SERVICES 61008

The foregoing appropriation items 415-520, Independent Living 61009
Services, and 415-612, Federal-Independent Living Centers or 61010
Services, shall be used to support state independent living 61011
centers or independent living services pursuant to Title VII of 61012
the Independent Living Services and Centers for Independent Living 61013
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 61014
U.S.C. 796d. 61015

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 61016

The foregoing appropriation item 415-617, Independent 61017
Living/Vocational Rehabilitation Programs, shall be used to 61018
support vocational rehabilitation programs, including, but not 61019
limited to, Projects with Industry, Training Grants, and Brain 61020
Injury Grants. 61021

PILOT PROGRAM FOR VOCATIONAL REHABILITATION 61022

During fiscal years 2004 and 2005, the Rehabilitation 61023
Services Commission may conduct a pilot program to provide 61024
vocational rehabilitation and related services to entities, 61025
employers, or individuals that are not eligible for state or 61026
federally supported services through the commission. The 61027
commission shall propose fees to be collected from the entities, 61028
employers, or individuals served by the pilot program for the 61029
approval of the Controlling Board to support the costs for 61030
vocational rehabilitation and related services provided under the 61031
pilot program. Fee revenues collected under the program shall be 61032
credited to Fund 468 (Third Party Funding). Prior to the 61033
commencement of services through the pilot program, the 61034
Rehabilitation Services Commission shall develop a program plan to 61035
be submitted to the Controlling Board. Any plan revisions or 61036
updates shall be reported to the Controlling Board. During the 61037

implementation of the pilot program, the Rehabilitation Services 61038
 Commission shall investigate and determine the possibility of 61039
 utilizing this source of revenue to match federal funds. The 61040
 Rehabilitation Services Commission shall evaluate the progress of 61041
 the pilot program and issue a report of its findings to the 61042
 Governor by December 15, 2005. The report shall include a 61043
 recommendation to either continue or discontinue the pilot program 61044
 in the next biennium. 61045

Section 91. RCB RESPIRATORY CARE BOARD 61046

General Services Fund Group 61047
 4K9 872-609 Operating Expenses \$ 318,499 \$ 315,481 61048
 TOTAL GSF General Services 61049
 Fund Group \$ 318,499 \$ 315,481 61050
 TOTAL ALL BUDGET FUND GROUPS \$ 318,499 \$ 315,481 61051

Section 92. REVENUE DISTRIBUTION FUNDS 61053

Volunteer Firefighters' Dependents Fund 61054
 085 800-900 Volunteer \$ 200,000 \$ 200,000 61055
 Firefighters'
 Dependents Fund
 TOTAL 085 Volunteer Firefighters' 61056
 Dependents Fund \$ 200,000 \$ 200,000 61057
 Agency Fund Group 61058
 062 110-900 Resort Area Excise Tax \$ 500,000 \$ 500,000 61059
 063 110-900 Permissive Tax \$ 1,397,512,400 \$ 1,439,437,700 61060
 Distribution
 067 110-900 School District Income \$ 154,836,700 \$ 161,030,200 61061
 Tax Fund
 4P8 001-698 Cash Management \$ 2,500,000 \$ 2,500,000 61062
 Improvement Fund
 608 001-699 Investment Earnings \$ 174,300,000 \$ 181,300,000 61063

TOTAL AGY Agency Fund Group	\$ 1,729,649,100	\$ 1,784,767,900	61064
Holding Account Redistribution			61065
R45 110-617 International Fuel Tax	\$ 36,400,000	\$ 37,200,000	61066
Distribution			
TOTAL R45 Holding Account	\$ 36,400,000	\$ 37,200,000	61067
Redistribution Fund			
Revenue Distribution Fund Group			61068
049 038-900 Indigent Drivers	\$ 1,850,000	\$ 1,850,000	61069
Alcohol Treatment			
050 762-900 International	\$ 60,000,000	\$ 60,000,000	61070
Registration Plan			
Distribution			
051 762-901 Auto Registration	\$ 475,000,000	\$ 486,875,000	61071
Distribution			
054 110-900 Local Government	\$ 75,000,000	\$ 75,000,000	61072
Property Tax			
Replacement			
060 110-900 Gasoline Excise Tax	\$ 113,344,700	\$ 115,611,600	61073
Fund			
064 110-900 Local Government	\$ 99,500,000	\$ 101,000,000	61074
Revenue Assistance			
065 110-900 Library/Local	\$ 485,000,000	\$ 495,000,000	61075
Government Support			
Fund			
066 800-900 Undivided Liquor	\$ 13,500,000	\$ 13,500,000	61076
Permit Fund			
068 110-900 State/Local Government	\$ 227,607,000	\$ 232,159,100	61077
Highway Distribution			
Fund			
069 110-900 Local Government Fund	\$ 712,100,000	\$ 718,000,000	61078
082 110-900 Horse Racing Tax	\$ 130,000	\$ 130,000	61079
083 700-900 Ohio Fairs Fund	\$ 3,150,000	\$ 3,150,000	61080
TOTAL RDF Revenue Distribution			61081

Fund Group	\$ 2,266,181,700	\$ 2,302,275,700	61082
TOTAL ALL BUDGET FUND GROUPS	\$ 4,032,430,800	\$ 4,124,443,600	61083
ADDITIONAL APPROPRIATIONS			61084
Appropriation items in this section are to be used for the			61085
purpose of administering and distributing the designated revenue			61086
distributions fund according to the Revised Code. If it is			61087
determined that additional appropriations are necessary, such			61088
amounts are appropriated.			61089
Section 93. SAN BOARD OF SANITARIAN REGISTRATION			61090
General Services Fund Group			61091
4K9 893-609 Operating Expenses	\$ 124,892	\$ 125,612	61092
TOTAL GSF General Services			61093
Fund Group	\$ 124,892	\$ 125,612	61094
TOTAL ALL BUDGET FUND GROUPS	\$ 124,892	\$ 125,612	61095
Section 94. OSB OHIO STATE SCHOOL FOR THE BLIND			61097
General Revenue Fund			61098
GRF 226-100 Personal Services	\$ 6,287,483	\$ 6,456,616	61099
GRF 226-200 Maintenance	\$ 685,256	\$ 685,256	61100
GRF 226-300 Equipment	\$ 121,355	\$ 121,355	61101
TOTAL GRF General Revenue Fund	\$ 7,094,094	\$ 7,263,227	61102
General Services Fund Group			61103
4H8 226-602 Education Reform	\$ 61,476	\$ 61,476	61104
Grants			
TOTAL GSF General Services			61105
Fund Group	\$ 61,476	\$ 61,476	61106
State Special Revenue Fund Group			61107
4M5 226-601 Work Study &	\$ 42,919	\$ 42,919	61108
Technology Investments			
TOTAL SSR State Special Revenue			61109

Fund Group	\$	42,919	\$	42,919	61110
Federal Special Revenue Fund Group					61111
3P5 226-643 Medicaid Professional	\$	143,600	\$	143,600	61112
Services Reimbursement					
310 226-626 Coordinating Unit	\$	1,390,000	\$	1,384,000	61113
TOTAL FED Federal Special					61114
Revenue Fund Group	\$	1,533,600	\$	1,527,600	61115
TOTAL ALL BUDGET FUND GROUPS	\$	8,732,089	\$	8,895,222	61116
Section 95. OSD OHIO STATE SCHOOL FOR THE DEAF					61118
General Revenue Fund					61119
GRF 221-100 Personal Services	\$	8,134,597	\$	8,464,711	61120
GRF 221-200 Maintenance	\$	1,018,160	\$	1,028,342	61121
GRF 221-300 Equipment	\$	200,841	\$	200,841	61122
TOTAL GRF General Revenue Fund	\$	9,353,598	\$	9,693,894	61123
General Services Fund Group					61124
4M1 221-602 Education Reform	\$	70,701	\$	70,701	61125
Grants					
TOTAL GSF General Services					61126
Fund Group	\$	70,701	\$	70,701	61127
State Special Revenue Fund Group					61128
4M0 221-601 Educational Program	\$	33,188	\$	33,188	61129
Expenses					61130
5H6 221-609 Even Start Fees &	\$	98,500	\$	98,500	61131
Gifts					
TOTAL SSR State Special Revenue					61132
Fund Group	\$	131,688	\$	131,688	61133
Federal Special Revenue Fund Group					61134
3R0 221-684 Medicaid Professional	\$	111,377	\$	111,377	61135
Services Reimbursement					61136
311 221-625 Coordinating Unit	\$	949,899	\$	974,649	61137

3Y1 221-686 Early Childhood Grant	\$	248,235	\$	262,275	61138
TOTAL FED Federal Special					61139
Revenue Fund Group	\$	1,309,511	\$	1,348,301	61140
TOTAL ALL BUDGET FUND GROUPS	\$	10,865,498	\$	11,244,584	61141

Section 96. SFC SCHOOL FACILITIES COMMISSION 61143

General Revenue Fund					61144
GRF 230-428 Lease Rental Payments	\$	31,776,500	\$	31,704,700	61145
GRF 230-908 Common Schools General	\$	106,322,300	\$	145,989,300	61146
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	138,098,800	\$	177,694,000	61147
Federal Special Revenue Fund Group					61148
3X9 230-601 Federal School	\$	28,214,058	\$	28,214,058	61149
Facilities Grant					
TOTAL FED Federal Special Revenue	\$	28,214,058	\$	28,214,058	61150
Fund Group					
State Special Revenue Fund Group					61151
5E3 230-644 Operating Expenses	\$	7,009,766	\$	7,009,766	61152
TOTAL SSR State Special Revenue					61153
Fund Group	\$	7,009,766	\$	7,009,766	61154
TOTAL ALL BUDGET FUND GROUPS	\$	173,322,624	\$	212,917,824	61155

Section 96.01. LEASE RENTAL PAYMENTS 61157

The foregoing appropriation item 230-428, Lease Rental 61158
 Payments, shall be used to meet all payments at the times they are 61159
 required to be made during the period from July 1, 2003, to June 61160
 30, 2005, by the School Facilities Commission pursuant to leases 61161
 and agreements made under section 3318.26 of the Revised Code, but 61162
 limited to the aggregate amount of \$63,481,200. Nothing in this 61163
 act shall be deemed to contravene the obligation of the state to 61164
 pay, without necessity for further appropriation, from the sources 61165

pledged thereto, the bond service charges on obligations issued 61166
pursuant to Chapter 3318. of the Revised Code. 61167

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 61168

The foregoing appropriation item 230-908, Common Schools 61169
General Obligation Debt Service, shall be used to pay all debt 61170
service and related financing costs at the times they are required 61171
to be made pursuant to sections 151.01 and 151.03 of the Revised 61172
Code during the period from July 1, 2003, to June 30, 2005. The 61173
Office of the Sinking Fund or the Director of Budget and 61174
Management shall effectuate the required payments by an intrastate 61175
transfer voucher. 61176

OPERATING EXPENSES 61177

The foregoing appropriation item 230-644, Operating Expenses, 61178
shall be used by the Ohio School Facilities Commission to carry 61179
out its responsibilities pursuant to this section and Chapter 61180
3318. of the Revised Code. 61181

Within ten days after the effective date of this section, or 61182
as soon as possible thereafter, the Executive Director of the Ohio 61183
School Facilities Commission shall certify to the Director of 61184
Budget and Management the amount of cash from interest earnings to 61185
be transferred from the School Building Assistance Fund (Fund 032) 61186
or the Public School Building Fund (Fund 021) to the Ohio School 61187
Facilities Commission Fund (Fund 5E3). 61188

By July 10, 2004, the Executive Director of the Ohio School 61189
Facilities Commission shall certify to the Director of Budget and 61190
Management the amount of cash from interest earnings to be 61191
transferred from the School Building Assistance Fund (Fund 032) or 61192
the Public School Building Fund (Fund 021) to the Ohio School 61193
Facilities Commission Fund (Fund 5E3). The amount transferred may 61194
not exceed investment earnings credited to the School Building 61195
Assistance Fund (Fund 032) less any amount required to be paid for 61196

federal arbitrage rebate purposes.	61197
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	61198
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.	61199 61200 61201 61202 61203 61204 61205 61206 61207 61208
Section 96.02. COMMUNITY SCHOOL CLASSROOM FACILITIES LOAN GUARANTEE	61209 61210
The unencumbered and unallotted balances as of June 30, 2003, in appropriation item 230-602, Community School Loan Guarantee, are hereby reappropriated in fiscal year 2004 to support loan guarantees to community schools under section 3318.50 of the Revised Code. The unencumbered an unallotted balances of the appropriation at the end of fiscal year 2004 are hereby reappropriated in fiscal year 2005 to support loan guarantees to community schools under section 3318.50 of the Revised Code.	61211 61212 61213 61214 61215 61216 61217 61218
Section 96.04. (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:	61219 61220 61221 61222 61223 61224 61225
(1) The district has entered into a cooperative agreement	61226

with a state-assisted technical college. 61227

(2) The district has received an irrevocable commitment of 61228
additional funding from nonpublic sources. 61229

(3) The facility is intended to serve both secondary and 61230
postsecondary instructional purposes. 61231

(B) The commission shall enter into an agreement with the 61232
district for the construction of the facility authorized under 61233
this section that is separate from and in addition to the 61234
agreement required for the district's participation in the 61235
Classroom Facilities Assistance Program under section 3318.08 of 61236
the Revised Code. Notwithstanding that section and sections 61237
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 61238
agreement shall provide, but not be limited to, the following: 61239

(1) The commission shall not have any oversight 61240
responsibilities over the construction of the facility. 61241

(2) The facility need not comply with the specifications for 61242
plans and materials for high schools adopted by the commission. 61243

(3) The commission may decrease the basic project cost that 61244
would otherwise be calculated for a high school under Chapter 61245
3318. of the Revised Code. 61246

(4) The state shall not share in any increases in the basic 61247
project cost for the facility above the amount authorized under 61248
this section. 61249

All other provisions of Chapter 3318. of the Revised Code 61250
apply to the approval and construction of a facility authorized 61251
under this section. 61252

The state funds committed to the facility authorized by this 61253
section shall be part of the total amount the state commits to the 61254
Canton City School District under Chapter 3318. of the Revised 61255
Code. All additional state funds committed to the Canton City 61256

School District for classroom facilities assistance shall be 61257
subject to all provisions of Chapter 3318. of the Revised Code. 61258

Section 97. NET OHIO SCHOOLNET COMMISSION 61259

General Revenue Fund 61260

GRF 228-404 Operating Expenses \$ 5,961,208 \$ 0 61261

GRF 228-406 Technical and \$ 7,691,831 \$ 0 61262

Instructional

Professional

Development

GRF 228-539 Education Technology \$ 6,989,315 \$ 0 61263

Total GRF General Revenue Fund \$ 20,642,354 \$ 0 61264

General Services Fund Group 61265

5D4 228-640 Conference/Special \$ 1,350,000 \$ 0 61266

Purpose Expenses

TOTAL GSF General Services 61267

Fund Group \$ 1,350,000 \$ 0 61268

State Special Revenue Fund Group 61269

4W9 228-630 Ohio SchoolNet \$ 400,000 \$ 0 61270

Telecommunity Fund

4X1 228-634 Distance Learning \$ 1,750,000 \$ 0 61271

5T3 228-605 Gates Foundation \$ 1,194,908 \$ 0 61272

Grants

TOTAL SSR State Special Revenue 61273

Fund Group \$ 3,344,908 \$ 0 61274

Federal Special Revenue Fund Group 61275

3X8 228-604 Individuals With \$ 1,500,000 \$ 0 61276

Disabilities Education

Act

TOTAL FED Federal Special Revenue 61277

Fund Group \$ 1,500,000 \$ 0 61278

TOTAL ALL BUDGET FUND GROUPS \$ 26,837,262 \$ 0 61279

Section 97.01. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 61281
DEVELOPMENT 61282

The foregoing appropriation item 228-406, Technical and 61283
Instructional Professional Development, shall be used by the Ohio 61284
SchoolNet Commission to make grants or provide services to 61285
qualifying schools, including the State School for the Blind and 61286
the Ohio School for the Deaf, for the provision of hardware, 61287
software, telecommunications services, and staff development to 61288
support educational uses of technology in the classroom. 61289

The Ohio SchoolNet Commission shall consider the professional 61290
development needs associated with the OhioReads Program when 61291
making funding allocations and program decisions. 61292

Of the foregoing appropriation \$1,260,000 in fiscal year 2004 61293
shall be used by the Ohio Educational Telecommunications Network 61294
Commission, with the advice of the Ohio SchoolNet Commission, to 61295
make grants for research, development and production of 61296
interactive instructional programming series and teleconferences 61297
to support the SchoolNet Commission. Up to \$55,000 of this amount 61298
shall be used in fiscal year 2004 to provide for the 61299
administration of these activities by the Ohio Educational 61300
Telecommunications Network Commission. The programming shall be 61301
targeted to the needs of the poorest two hundred school districts 61302
as determined by the district's adjusted valuation per pupil as 61303
defined in section 3317.0213 of the Revised Code. 61304

Of the foregoing appropriation item 228-406, Technical and 61305
Instructional Professional Development, \$818,322 in fiscal year 61306
2004 shall be used by the INFOhio Network, with the advice of the 61307
Ohio SchoolNet Commission, to support the provision of electronic 61308
resources to all public schools with preference given to 61309
elementary schools. Consideration shall be given by the Commission 61310
to coordinating the allocation of these moneys with the efforts of 61311

OhioLINK and the Ohio Public Information Network. 61312

Of the foregoing appropriation item 228-406, Technical and 61313
Instructional Professional Development, \$300,000 in fiscal year 61314
2004 shall be used by the JASON project, with the advice of the 61315
Ohio SchoolNet Commission, to provide statewide access and a 75 61316
per cent subsidy for statewide licensing of JASON content for 61317
90,000 middle school students statewide, and professional 61318
development for teachers participating in the program. 61319

The remaining appropriation allocated in appropriation item 61320
228-406, Technical and Instructional Professional Development, 61321
shall be used by the Ohio SchoolNet Commission for professional 61322
development for teachers and administrators for the use of 61323
educational technology. The commission may make grants to provide 61324
technical assistance and professional development on the use of 61325
educational technology to school districts. 61326

Eligible recipients of grants include regional training 61327
centers, county offices of education, data collection sites, 61328
instructional technology centers, institutions of higher 61329
education, public television stations, special education resource 61330
centers, area media centers, or other nonprofit educational 61331
organizations. Services provided through these grants may include 61332
use of private entities subcontracting through the grant 61333
recipient. 61334

Grants shall be made to entities on a contractual basis with 61335
the Ohio SchoolNet Commission. Contracts shall include provisions 61336
that demonstrate how services will benefit technology use in the 61337
schools, and in particular will support Ohio SchoolNet efforts to 61338
support technology in the schools. Contracts shall specify the 61339
scope of assistance being offered and the potential number of 61340
professionals who will be served. Contracting entities may be 61341
awarded more than one grant at a time. 61342

Grants shall be awarded in a manner consistent with the goals 61343
of Ohio SchoolNet. Special emphasis in the award of grants shall 61344
be placed on collaborative efforts among service providers. 61345

Application for grants from this appropriation in 61346
appropriation item 228-406, Technical and Instructional 61347
Professional Development, shall be consistent with a school 61348
district's technology plan that shall meet the minimum 61349
specifications for school district technology plans as prescribed 61350
by the Ohio SchoolNet Commission. Funds allocated through these 61351
grants may be combined with funds received through other state or 61352
federal grants for technology so long as the school district's 61353
technology plan specifies the use of these funds. 61354

EDUCATION TECHNOLOGY 61355

The foregoing appropriation item 228-539, Education 61356
Technology, shall be used to provide funding to suppliers of 61357
information services to school districts for the provision of 61358
hardware, software, and staff development in support of 61359
educational uses of technology in the classroom as prescribed by 61360
the State Plan for Technology pursuant to section 3301.07 of the 61361
Revised Code, and to support assistive technology for children and 61362
youth with disabilities. 61363

Of the foregoing appropriation item 228-539, Education 61364
Technology, up to \$1,946,000 in fiscal year 2004 shall be used by 61365
the Ohio SchoolNet Commission to link all public K-12 classrooms 61366
to each other and the Internet, and to provide access to voice, 61367
video, and data educational resources for students and teachers 61368
through the OneNet Ohio Program. 61369

Up to \$4,403,778 in each fiscal year shall be used by the 61370
Ohio SchoolNet Commission to contract with instructional 61371
television, and \$639,537 in fiscal year 2004 shall be used by the 61372
commission to contract with education media centers to provide 61373

Ohio schools with instructional resources and services. 61374

Resources may include, but not be limited to, the following: 61375
pre-recorded video materials (including videotape, laser discs, 61376
and CD-ROM discs); computer software for student use or student 61377
access to electronic communication, databases, spreadsheet, and 61378
word processing capability; live student courses or courses 61379
delivered electronically; automated media systems; and 61380
instructional and professional development materials for teachers. 61381
The commission shall cooperate with education technology agencies 61382
in the acquisition, development, and delivery of such educational 61383
resources to ensure high-quality and educational soundness at the 61384
lowest possible cost. Delivery of such resources may utilize a 61385
variety of technologies, with preference given to a high-speed 61386
integrated information network that can transport video, voice, 61387
data, and graphics simultaneously. 61388

Services shall include presentations and technical assistance 61389
that will help students and teachers integrate educational 61390
materials that support curriculum objectives, match specific 61391
learning styles, and are appropriate for individual interests and 61392
ability levels. 61393

Such instructional resources and services shall be made 61394
available for purchase by chartered nonpublic schools or by public 61395
school districts for the benefit of pupils attending chartered 61396
nonpublic schools. 61397

TELECOMMUNITY 61398

The foregoing appropriation item 228-630, Ohio SchoolNet 61399
Telecommunity Fund, shall be distributed by the Ohio SchoolNet 61400
Commission on a grant basis to eligible school districts to 61401
establish "distance learning" through interactive video 61402
technologies in the school district. Per agreements with eight 61403
Ohio local telephone companies: ALLTEL Ohio, CENTURY Telephone of 61404

Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone 61405
Company, Orwell Telephone Company, Sprint North Central Telephone, 61406
VERIZON, and Western Reserve Telephone Company, school districts 61407
are eligible for funds if they are within one of the listed 61408
telephone company service areas. Funds to administer the program 61409
shall be expended by the commission up to the amount specified in 61410
agreements with the listed telephone companies. 61411

Within 30 days after the effective date of this section, the 61412
Director of Budget and Management shall transfer to Fund 4W9 in 61413
the State Special Revenue Fund Group any investment earnings from 61414
moneys paid to the Ohio SchoolNet Commission by any telephone 61415
company as part of any settlement agreement between the listed 61416
companies and the Public Utilities Commission in fiscal years 1996 61417
and beyond. 61418

DISTANCE LEARNING 61419

Appropriation item 228-634, Distance Learning, shall be 61420
distributed by the Ohio SchoolNet Commission on a grant basis to 61421
eligible school districts to establish "distance learning" in the 61422
school district. Per the agreement with Ameritech, school 61423
districts are eligible for funds if they are within an Ameritech 61424
service area. Funds to administer the program shall be expended by 61425
the commission up to the amount specified in the agreement with 61426
Ameritech. 61427

Within thirty days after the effective date of this section, 61428
the Director of Budget and Management shall transfer to fund 4X1 61429
in the State Special Revenue Fund Group any investment earnings 61430
from moneys paid to the office or to the SchoolNet Commission by 61431
any telephone company as part of a settlement agreement between 61432
the company and the Public Utilities Commission in fiscal year 61433
1995. 61434

GATES FOUNDATION GRANTS 61435

The foregoing appropriation item 228-605, Gates Foundation 61436
Grants, shall be used by the Ohio SchoolNet Commission to provide 61437
professional development to school district principals, 61438
superintendents, and other administrative staff for the use of 61439
education technology. The appropriation is made possible through a 61440
grant from the Bill and Melinda Gates foundation. 61441

Section 97.02. TRANSFER OF FUNDS TO THE DEPARTMENT OF 61442
EDUCATION 61443

On and after July 1, 2004, notwithstanding any provision of 61444
law to the contrary, the Director of Budget and Management is 61445
authorized to take the actions described in this section with 61446
respect to budget changes made necessary by administrative 61447
reorganization, program transfers, the creation of new funds, and 61448
the consolidation of funds as authorized by this act. The Director 61449
may make any transfer of cash balances between funds. At the 61450
request of the Director of Budget and Management, the 61451
Superintendent of Public Instruction shall certify to the Director 61452
an estimate of the amount of the cash balance to be transferred to 61453
the receiving fund. The Director may transfer the estimated amount 61454
when needed to make payments. Not more than thirty days after 61455
certifying the estimated amount, the Superintendent of Public 61456
Instruction shall certify the final amount to the Director. The 61457
Director shall transfer the difference between any amount 61458
previously transferred and the certified final amount. The 61459
Director may cancel encumbrances and re-establish encumbrances or 61460
parts of encumbrances as needed in fiscal year 2005 in the 61461
appropriate fund and appropriation line item for the same purpose 61462
and to the same vendor. As determined by the Director, the 61463
appropriation authority necessary to re-establish such 61464
encumbrances in fiscal year 2005 in a different fund or 61465
appropriation line item within an agency or between agencies is 61466

hereby appropriated by the General Assembly. The Director shall 61467
 reduce each year's appropriation balances by the amount of the 61468
 encumbrance canceled in their respective funds and appropriation 61469
 line item. Any fiscal year 2004 unencumbered or unallocated 61470
 appropriation balances may be transferred to the appropriate 61471
 appropriation line item to be used for the same purposes, as 61472
 determined by the Director. Of the foregoing appropriation item 61473
 911-416, Educational Technology, up to \$23,000,000 in fiscal year 61474
 2005 may be transferred by the Director of Budget and Management 61475
 to the Ohio Department of Education based on the Ohio Technology 61476
 Integration Task Force plan envisioned by the section of this act 61477
 titled OHIO TECHNOLOGY INTEGRATION TASK FORCE. 61478

Section 98. SOS SECRETARY OF STATE 61479

General Revenue Fund				61480
GRF 050-321 Operating Expenses	\$	2,750,000	\$ 2,750,000	61481
GRF 050-403 Election Statistics	\$	110,570	\$ 110,570	61482
GRF 050-407 Pollworkers Training	\$	295,742	\$ 295,742	61483
GRF 050-409 Litigation	\$	4,949	\$ 4,949	61484
Expenditures				
TOTAL GRF General Revenue Fund	\$	3,161,261	\$ 3,161,261	61485
General Services Fund Group				61486
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	61487
Machine Examiners				
412 050-609 Notary Commission	\$	178,124	\$ 185,249	61488
413 050-601 Information Systems	\$	163,418	\$ 169,955	61489
414 050-602 Citizen Education Fund	\$	72,800	\$ 75,712	61490
TOTAL General Services Fund Group	\$	421,542	\$ 438,116	61491
Federal Special Revenue Fund Group				61492
3X4 050-612 Ohio Cntr/Law Related	\$	41,000	\$ 41,000	61493
Educ Grant				
TOTAL FED Federal Special Revenue				61494

Fund Group	\$	41,000	\$	41,000	61495
State Special Revenue Fund Group					61496
5N9 050-607 Technology	\$	124,582	\$	129,565	61497
Improvements					
599 050-603 Business Services	\$	13,649,716	\$	13,850,153	61498
Operating Expenses					
TOTAL SSR State Special Revenue					61499
Fund Group	\$	13,774,298	\$	13,979,718	61500
Holding Account Redistribution Fund Group					61501
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	61502
Code Refunds					
R02 050-606 Corporate/Business	\$	100,000	\$	100,000	61503
Filing Refunds					
TOTAL 090 Holding Account					61504
Redistribution Fund Group	\$	165,000	\$	165,000	61505
TOTAL ALL BUDGET FUND GROUPS	\$	17,563,101	\$	17,785,095	61506

BOARD OF VOTING MACHINE EXAMINERS 61507

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 61517

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. 61522

Section 99. SEN THE OHIO SENATE 61523

General Revenue Fund 61524

GRF 020-321 Operating Expenses \$ 10,887,655 \$ 11,432,037 61525

TOTAL GRF General Revenue Fund \$ 10,887,655 \$ 11,432,037 61526

General Services Fund Group 61527

102 020-602 Senate Reimbursement \$ 422,881 \$ 444,025 61528

409 020-601 Miscellaneous Sales \$ 32,529 \$ 34,155 61529

TOTAL GSF General Services 61530

Fund Group \$ 455,410 \$ 478,180 61531

TOTAL ALL BUDGET FUND GROUPS \$ 11,343,065 \$ 11,910,217 61532

Section 100. CSF COMMISSIONERS OF THE SINKING FUND 61534

Debt Service Fund Group 61535

071 155-901 Highway Obligations \$ 35,536,300 \$ 10,450,000 61536

Bond Retirement Fund

072 155-902 Highway Capital \$ 153,559,600 \$ 173,238,200 61537

Improvements Bond

Retirement Fund

073 155-903 Natural Resources Bond \$ 23,808,300 \$ 26,914,300 61538

Retirement

074 155-904 Conservation Projects \$ 9,743,500 \$ 11,235,700 61539

Bond Service Fund

076 155-906 Coal Research and \$ 7,231,200 \$ 9,185,100 61540

Development Bond

Retirement Fund

077 155-907 State Capital \$ 156,974,400 \$ 152,069,700 61541

Improvements Bond

Retirement Fund

078 155-908 Common Schools Bond \$ 106,322,300 \$ 145,989,300 61542

Retirement Fund

079 155-909 Higher Education Bond	\$	97,668,000	\$	130,967,600	61543
Retirement Fund					
TOTAL DSF Debt Service Fund Group	\$	590,843,600	\$	660,049,900	61544
TOTAL ALL BUDGET FUND GROUPS	\$	590,843,600	\$	660,049,900	61545
ADDITIONAL APPROPRIATIONS					61546
Appropriation items in this section are for the purpose of					61547
paying debt service and financing costs on bonds or notes of the					61548
state issued pursuant to the Ohio Constitution and acts of the					61549
General Assembly. If it is determined that additional					61550
appropriations are necessary, such amounts are appropriated.					61551
Section 101. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &					61552
AUDIOLOGY					61553
General Services Fund Group					61554
4K9 886-609 Operating Expenses	\$	390,966	\$	403,554	61555
TOTAL GSF General Services					61556
Fund Group	\$	390,966	\$	403,554	61557
TOTAL ALL BUDGET FUND GROUPS	\$	390,966	\$	403,554	61558
Section 102. BTA BOARD OF TAX APPEALS					61560
General Revenue Fund					61561
GRF 116-321 Operating Expenses	\$	2,171,760	\$	2,171,760	61562
TOTAL GRF General Revenue Fund	\$	2,171,760	\$	2,171,760	61563
TOTAL ALL BUDGET FUND GROUPS	\$	2,171,760	\$	2,171,760	61564
Section 103. TAX DEPARTMENT OF TAXATION					61566
General Revenue Fund					61567
GRF 110-321 Operating Expenses	\$	80,001,007	\$	79,667,788	61568
GRF 110-412 Child Support	\$	74,215	\$	74,215	61569
Administration					
GRF 110-901 Property Tax	\$	434,650,000	\$	452,740,000	61570
Allocation - Taxation					

GRF 110-906	Tangible Tax Exemption	\$	29,190,000	\$	30,490,000	61571
	- Taxation					
TOTAL GRF	General Revenue Fund	\$	543,915,222	\$	562,972,003	61572
Agency Fund Group						61573
095 110-901	Municipal Income Tax	\$	12,000,000	\$	12,000,000	61574
425 110-635	Tax Refunds	\$	1,296,756,200	\$	1,337,119,600	61575
TOTAL AGY	Agency Fund Group	\$	1,308,756,200	\$	1,349,119,600	61576
General Services Fund Group						61577
433 110-602	Tape File Account	\$	96,165	\$	96,165	61578
TOTAL GSF	General Services					61579
Fund Group		\$	96,165	\$	96,165	61580
State Special Revenue Fund Group						61581
4C6 110-616	International	\$	706,855	\$	706,855	61582
	Registration Plan					
4R6 110-610	Tire Tax	\$	65,000	\$	65,000	61583
	Administration					
435 110-607	Local Tax	\$	13,600,000	\$	13,700,000	61584
	Administration					
436 110-608	Motor Vehicle Audit	\$	1,350,000	\$	1,350,000	61585
437 110-606	Litter Tax and Natural	\$	625,232	\$	625,232	61586
	Resource Tax					
	Administration					
438 110-609	School District Income	\$	2,599,999	\$	2,599,999	61587
	Tax					
5N5 110-605	Municipal Income Tax	\$	650,000	\$	650,000	61588
	Administration					
5N6 110-618	Kilowatt Hour Tax	\$	85,000	\$	85,000	61589
	Administration					
5V7 110-622	Motor Fuel Tax	\$	3,734,036	\$	3,833,091	61590
	Administration					
5V8 110-623	Property Tax	\$	11,569,719	\$	11,938,362	61591
	Administration					

5W4	110-625	Centralized Tax Filing and Payment	\$	3,000,000	\$	3,000,000	61592
639	110-614	Cigarette Tax Enforcement	\$	168,925	\$	168,925	61593
642	110-613	Ohio Political Party Distributions	\$	600,000	\$	600,000	61594
688	110-615	Local Excise Tax Administration	\$	300,000	\$	300,000	61595
TOTAL SSR State Special Revenue							61596
Fund Group			\$	39,054,766	\$	39,622,464	61597
Federal Special Revenue Fund Group							61598
3J6	110-601	Motor Fuel Compliance	\$	33,300	\$	25,000	61599
TOTAL FED Federal Special Revenue							61600
Fund Group			\$	33,300	\$	25,000	61601
Holding Account Redistribution Fund Group							61602
R10	110-611	Tax Distributions	\$	50,000	\$	50,000	61603
R11	110-612	Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	61604
TOTAL 090 Holding Account							61605
Redistribution Fund Group			\$	100,000	\$	100,000	61606
TOTAL ALL BUDGET FUND GROUPS			\$	1,891,955,653	\$	1,951,935,232	61607
LITTER CONTROL TAX ADMINISTRATION FUND							61608
Notwithstanding section 5733.12 of the Revised Code, during							61609
the period from July 1, 2003, to June 30, 2004, the amount of							61610
\$625,232, and during the period from July 1, 2004, to June 30,							61611
2005, the amount of \$625,232, received by the Tax Commissioner							61612
under Chapter 5733. of the Revised Code, shall be credited to the							61613
Litter Control Tax Administration Fund (Fund 437).							61614
CENTRALIZED TAX FILING AND PAYMENT FUND							61615
The Director of Budget and Management pursuant to a plan							61616
submitted by the Tax Commissioner, or as otherwise determined by							61617

the Director of Budget and Management, shall set a schedule to 61618
transfer cash from the General Revenue Fund to the credit of the 61619
Centralized Tax Filing and Payment Fund. Such transfers of cash 61620
shall not exceed \$3,000,000 in any fiscal year. 61621

INTERNATIONAL REGISTRATION PLAN AUDIT 61622

The foregoing appropriation item 110-616, International 61623
Registration Plan, shall be used pursuant to section 5703.12 of 61624
the Revised Code for audits of persons with vehicles registered 61625
under the International Registration Plan. 61626

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 61627
EXEMPTION 61628

The foregoing appropriation item 110-901, Property Tax 61629
Allocation - Taxation, is appropriated to pay for the state's 61630
costs incurred due to the Homestead Exemption, the Manufactured 61631
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 61632
Commissioner shall distribute these funds directly to the 61633
appropriate local taxing districts of the state, except for school 61634
districts, notwithstanding the provisions in sections 321.24 and 61635
323.156 of the Revised Code, which provide for payment of the 61636
Homestead Exemption, the Manufactured Home Property Tax Rollback, 61637
and Property Tax Rollback by the Tax Commissioner to the 61638
appropriate county treasurer and the subsequent redistribution of 61639
these funds to the appropriate local taxing districts by the 61640
county auditor. 61641

The foregoing appropriation item 110-906, Tangible Tax 61642
Exemption - Taxation, is appropriated to pay for the state's costs 61643
incurred due to the tangible personal property tax exemption 61644
required by division (C)(3) of section 5709.01 of the Revised 61645
Code. The Tax Commissioner shall distribute to each county 61646
treasurer the total amount certified by the county treasurer 61647
pursuant to section 319.311 of the Revised Code for all local 61648

taxing districts located in the county except for school 61649
districts, notwithstanding the provision in section 319.311 of the 61650
Revised Code which provides for payment of the \$10,000 tangible 61651
personal property tax exemption by the Tax Commissioner to the 61652
appropriate county treasurer for all local taxing districts 61653
located in the county including school districts. Pursuant to 61654
division (G) of section 321.24 of the Revised Code, the county 61655
auditor shall distribute the amount paid by the Tax Commissioner 61656
among the appropriate local taxing districts except for school 61657
districts. 61658

Upon receipt of these amounts, each local taxing district 61659
shall distribute the amount among the proper funds as if it had 61660
been paid as real or tangible personal property taxes. Payments 61661
for the costs of administration shall continue to be paid to the 61662
county treasurer and county auditor as provided for in sections 61663
319.54, 321.26, and 323.156 of the Revised Code. 61664

Any sums, in addition to the amounts specifically 61665
appropriated in appropriation items 110-901, Property Tax 61666
Allocation - Taxation, for the Homestead Exemption, the 61667
Manufactured Home Property Tax Rollback, and the Property Tax 61668
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 61669
for the \$10,000 tangible personal property tax exemption payments, 61670
which are determined to be necessary for these purposes, are 61671
hereby appropriated. 61672

MUNICIPAL INCOME TAX 61673

The foregoing appropriation item 110-901, Municipal Income 61674
Tax, shall be used to make payments to municipal corporations as 61675
provided in section 5745.05 of the Revised Code. If it is 61676
determined that additional appropriations are necessary to make 61677
such payments, such amounts are hereby appropriated. 61678

TAX REFUNDS 61679

The foregoing appropriation item 110-635, Tax Refunds, shall 61680
 be used to pay refunds as provided in section 5703.052 of the 61681
 Revised Code. If it is determined that additional appropriations 61682
 are necessary, such amounts are appropriated. 61683

Section 104. DOT DEPARTMENT OF TRANSPORTATION 61684

Transportation Modes 61685

General Revenue Fund 61686

GRF 775-451 Public Transportation \$ 15,525,595 \$ 15,525,595 61687
 - State

GRF 776-465 Rail Transportation \$ 3,116,889 \$ 2,936,056 61688

GRF 777-471 Airport Improvements - \$ 1,338,495 \$ 1,338,495 61689
 State

GRF 777-473 Rickenbacker Lease \$ 591,600 \$ 591,500 61690
 Payments - State

TOTAL GRF General Revenue Fund \$ 20,572,579 \$ 20,391,646 61691

Federal Special Revenue Fund Group 61692

3B9 776-662 Rail Transportation - \$ 50,000 \$ 50,000 61693
 Federal

TOTAL FSR Federal Special Revenue 61694

Fund Group \$ 50,000 \$ 50,000 61695

State Special Revenue Fund Group 61696

4N4 776-663 Panhandle Lease \$ 770,000 \$ 770,000 61697
 Reserve Payments

4N4 776-664 Rail Transportation - \$ 1,919,500 \$ 2,111,500 61698
 Other

5W7 771-413 Public Transportation \$ 3,100,000 \$ 3,100,000 61699
 Grant Programs

5W8 773-432 Roadside Rest Area \$ 250,000 \$ 250,000 61700
 Improvement

5W9 777-476 County Airport \$ 570,000 \$ 570,000 61701
 Maintenance Assistance

TOTAL SSR State Special Revenue				61702	
Fund Group	\$	6,609,500	\$	6,801,500	61703
TOTAL ALL BUDGET FUND GROUPS	\$	27,232,079	\$	27,243,146	61704

ELDERLY AND DISABLED FARE ASSISTANCE 61705

Of the foregoing appropriation item 775-451, Public 61706
Transportation - State, up to \$4,012,780 in fiscal year 2004 and 61707
\$5,015,975 in fiscal year 2005 may be used to make grants to 61708
county transit boards, regional transit authorities, regional 61709
transit commissions, counties, municipal corporations, and private 61710
nonprofit organizations that operate or will operate public 61711
transportation systems, for the purpose of reducing the transit 61712
fares of elderly or disabled persons. Pursuant to division (B) of 61713
section 5501.07 of the Revised Code, the Director of 61714
Transportation shall establish criteria for the distribution of 61715
these grants. 61716

AVIATION LEASE PAYMENTS 61717

The foregoing appropriation item 777-473, Rickenbacker Lease 61718
Payments - State, shall be used to meet scheduled payments for the 61719
Rickenbacker Port Authority. The Director of Transportation shall 61720
certify to the Director of Budget and Management any 61721
appropriations in appropriation item 777-473, Rickenbacker Lease 61722
Payments - State, that are not needed to make lease payments for 61723
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 61724
the Revised Code, the amount certified may be transferred by the 61725
Director of Budget and Management to appropriation item 777-471, 61726
Airport Improvements - State. 61727

Section 105. TOS TREASURER OF STATE 61728

General Revenue Fund				61729	
GRF 090-321 Operating Expenses	\$	9,122,622	\$	9,122,622	61730
GRF 090-401 Office of the Sinking	\$	554,868	\$	554,868	61731

	Fund				61732
GRF 090-402	Continuing Education	\$	463,585	\$	463,585
GRF 090-524	Police and Fire	\$	35,000	\$	30,000
	Disability Pension				61735
	Fund				
GRF 090-534	Police & Fire Ad Hoc	\$	225,000	\$	230,000
	Cost				
	of Living				61737
GRF 090-544	Police and Fire State	\$	1,200,000	\$	1,200,000
	Contribution				61739
GRF 090-554	Police and Fire	\$	1,320,000	\$	1,260,000
	Survivor				
	Benefits				61741
GRF 090-575	Police and Fire Death	\$	24,000,000	\$	25,000,000
	Benefits				61743
TOTAL GRF	General Revenue Fund	\$	36,921,075	\$	37,861,075
	Agency Fund Group				61745
425 090-635	Tax Refunds	\$	31,000,000	\$	31,000,000
TOTAL Agency	Fund Group	\$	31,000,000	\$	31,000,000
	General Services Fund Group				61748
4E9 090-603	Securities Lending	\$	2,400,000	\$	2,100,000
	Income				
577 090-605	Investment Pool	\$	600,000	\$	550,000
	Reimbursement				61751
605 090-609	Treasurer of State	\$	600,000	\$	700,000
	Administrative Fund				61753
TOTAL GSF	General Services				61754
	Fund Group	\$	3,600,000	\$	3,350,000
	State Special Revenue Fund Group				61756
5C5 090-602	County Treasurer	\$	175,000	\$	135,000
	Education				
TOTAL SSR	State Special Revenue				61758

Fund Group	\$	175,000	\$	135,000	61759
TOTAL ALL BUDGET FUND GROUPS	\$	71,696,075	\$	72,346,075	61760

Section 105.01. OFFICE OF THE SINKING FUND 61762

The foregoing appropriation item 090-401, Office of the 61763
Sinking Fund, shall be used for financing and other costs incurred 61764
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 61765
Public Facilities Commission or its secretary, or the Treasurer of 61766
State, with respect to State of Ohio general obligation bonds or 61767
notes, including, but not limited to, printing, advertising, 61768
delivery, rating fees and the procurement of ratings, professional 61769
publications, membership in professional organizations, and 61770
services referred to in division (D) of section 151.01 of the 61771
Revised Code. The General Revenue Fund shall be reimbursed for 61772
such costs by intrastate transfer voucher pursuant to a 61773
certification by the Office of the Sinking Fund of the actual 61774
amounts used. The amounts necessary to make such reimbursements 61775
are appropriated from the general obligation bond retirement funds 61776
created by the Constitution and laws to the extent such costs are 61777
incurred. 61778

POLICE AND FIRE DEATH BENEFIT FUND 61779

The foregoing appropriation item 090-575, Police and Fire 61780
Death Benefits, shall be disbursed annually by the Treasurer of 61781
State at the beginning of each fiscal year to the Board of 61782
Trustees of the Ohio Police and Fire Pension Fund. By the 61783
twentieth day of June of each year, the Board of Trustees of the 61784
Ohio Police and Fire Pension Fund shall certify to the Treasurer 61785
of State the amount disbursed in the current fiscal year to make 61786
the payments required by section 742.63 of the Revised Code and 61787
shall return to the Treasurer of State moneys received from this 61788
item but not disbursed. 61789

The foregoing appropriation item 090-635, Tax Refunds, shall 61790

be used to pay refunds as provided in section 5703.052 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, such amounts are appropriated.

Section 106. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE
 COMPENSATION BOARD

State Special Revenue Fund Group

691 810-632 PUSTRCB Staff	\$	1,075,158	\$	1,075,158
TOTAL SSR State Special Revenue Fund Group	\$	1,075,158	\$	1,075,158
TOTAL ALL BUDGET FUND GROUPS	\$	1,075,158	\$	1,075,158

Section 107. TTA OHIO TUITION TRUST AUTHORITY

State Special Revenue Fund Group

5P3 095-602 Variable Savings Plan	\$	1,639,747	\$	1,690,213
645 095-601 Operating Expenses	\$	3,570,614	\$	3,689,101
TOTAL SSR State Special Revenue Fund Group	\$	5,210,361	\$	5,379,314
TOTAL ALL BUDGET FUND GROUPS	\$	5,210,361	\$	5,379,314

Section 108. OVH OHIO VETERANS' HOME

General Revenue Fund

GRF 430-100 Personal Services	\$	18,740,761	\$	18,247,112
GRF 430-200 Maintenance	\$	5,069,180	\$	6,546,928
TOTAL GRF General Revenue Fund	\$	23,809,941	\$	24,794,040

General Services Fund Group

484 430-603 Rental and Service Revenue	\$	709,737	\$	709,737
TOTAL GSF General Services Fund Group	\$	709,737	\$	709,737

Federal Special Revenue Fund Group

3L2 430-601 Federal Grants	\$	12,220,340	\$	14,696,578	61820
TOTAL FED Federal Special Revenue					61821
Fund Group	\$	12,220,340	\$	14,696,578	61822
State Special Revenue Fund Group					61823
4E2 430-602 Veterans Home	\$	6,719,938	\$	7,769,277	61824
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	61825
Improvement					
TOTAL SSR State Special Revenue					61826
Fund Group	\$	7,490,034	\$	8,539,373	61827
TOTAL ALL BUDGET FUND GROUPS	\$	44,230,052	\$	48,739,728	61828
Section 110. DVM STATE VETERINARY MEDICAL BOARD					61830
General Services Fund Group					61831
4K9 888-609 Operating Expenses	\$	444,208	\$	453,043	61832
TOTAL GSF General Services					61833
Fund Group	\$	444,208	\$	453,043	61834
TOTAL ALL BUDGET FUND GROUPS	\$	444,208	\$	453,043	61835
Section 110a. OVB OHIO VISION BOARD					61837
General Services Fund Group					61838
4K9 057-601 Operating Expenses	\$	550,000	\$	550,000	61839
TOTAL GSF General Services Fund	\$	550,000	\$	550,000	61840
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	550,000	\$	550,000	61841
Section 111. DYS DEPARTMENT OF YOUTH SERVICES					61843
General Revenue Fund					61844
GRF 470-401 RECLAIM Ohio	\$	159,705,770	\$	159,705,770	61845
GRF 470-412 Lease Rental Payments	\$	21,110,100	\$	21,110,000	61846
GRF 470-510 Youth Services	\$	18,558,587	\$	18,558,587	61847
GRF 472-321 Parole Operations	\$	15,347,154	\$	14,841,872	61848

GRF 477-321	Administrative Operations	\$ 12,984,591	\$ 12,749,407	61849
TOTAL GRF	General Revenue Fund	\$ 227,706,202	\$ 226,965,637	61850
	General Services Fund Group			61851
175 470-613	Education Reimbursement	\$ 8,817,598	\$ 8,817,598	61852
4A2 470-602	Child Support	\$ 311,302	\$ 320,641	61853
4G6 470-605	General Operational Funds	\$ 10,000	\$ 10,000	61854
479 470-609	Employee Food Service	\$ 118,454	\$ 122,008	61855
523 470-621	Wellness Program	\$ 197,778	\$ 197,778	61856
TOTAL GSF	General Services Fund Group	\$ 9,455,132	\$ 9,468,025	61857 61858
	Federal Special Revenue Fund Group			61859
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$ 4,091,100	\$ 4,254,744	61860
3W0 470-611	Federal Juvenile Programs FFY 02	\$ 4,500,000	\$ 0	61861
3Z8 470-625	Federal Juvenile Programs FFY 04	\$ 7,828,899	\$ 4,500,000	61862
3Z9 470-626	Federal Juvenile Programs FFY 05	\$ 0	\$ 7,828,899	61863
321 470-601	Education	\$ 1,491,587	\$ 1,555,147	61864
321 470-603	Juvenile Justice Prevention	\$ 1,558,138	\$ 1,558,138	61865
321 470-606	Nutrition	\$ 2,389,587	\$ 2,485,170	61866
321 470-610	Rehabilitation Programs	\$ 585,000	\$ 585,000	61867
321 470-614	Title IV-E Reimbursements	\$ 4,776,002	\$ 4,919,282	61868
321 470-617	Americorps Programs	\$ 460,000	\$ 460,000	61869

TOTAL FED Federal Special Revenue				61870	
Fund Group	\$	27,680,313	\$	28,146,380	61871
State Special Revenue Fund Group				61872	
147 470-612 Vocational Education	\$	2,523,653	\$	2,630,612	61873
4W3 470-618 Help Me Grow	\$	11,587	\$	11,587	61874
5J7 470-623 Residential Treatment	\$	500,000	\$	500,000	61875
Services					
TOTAL SSR State Special Revenue				61876	
Fund Group	\$	3,035,240	\$	3,142,199	61877
TOTAL ALL BUDGET FUND GROUPS	\$	267,876,887	\$	267,722,241	61878

ZERO-BASED BUDGETING 61879

The Director of Budget and Management shall prepare a full 61880
zero-based budget for the biennium beginning July 1, 2005, for the 61881
Department of Youth Services. The Director shall offer the 61882
Department substantial technical assistance throughout the process 61883
of preparing their zero-based budget. The Department shall prepare 61884
a full zero-based budget in such manner and according to such 61885
schedule as the Director of Budget and Management requires. The 61886
zero-based budget shall, as the Director of Budget and Management 61887
determines, be in addition to or in place of the estimates of 61888
revenue and proposed expenditures that the Department otherwise 61889
would be required to prepare under section 126.02 of the Revised 61890
Code. 61891

OHIO BUILDING AUTHORITY LEASE PAYMENTS 61892

The foregoing appropriation item 470-412, Lease Rental 61893
Payments, in the Department of Youth Services, shall be used for 61894
payments to the Ohio Building Authority for the period from July 61895
1, 2003, to June 30, 2005, pursuant to the primary leases and 61896
agreements for facilities made under Chapter 152. of the Revised 61897
Code, but limited to the aggregate amount of \$42,220,100. This 61898
appropriation is the source of funds pledged for bond service 61899

charges on related obligations issued pursuant to Chapter 152. of 61900
the Revised Code. 61901

EMPLOYEE FOOD SERVICE AND EQUIPMENT 61902

Notwithstanding section 125.14 of the Revised Code, the 61903
foregoing appropriation item 470-609, Employee Food Service, may 61904
be used to purchase any food operational items with funds received 61905
into the fund from reimbursement for state surplus property. 61906

EDUCATION REIMBURSEMENT 61907

The foregoing appropriation item 470-613, Education 61908
Reimbursement, shall be used to fund the operating expenses of 61909
providing educational services to youth supervised by the 61910
Department of Youth Services. Operating expenses include, but are 61911
not limited to, teachers' salaries, maintenance costs, and 61912
educational equipment. This appropriation item shall not be used 61913
for capital expenses. 61914

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 61915
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 61916

Any business relating to the funds associated with the Office 61917
of Criminal Justice Services' appropriation item 196-602, Criminal 61918
Justice Federal Programs, commenced but not completed by the 61919
Office of Criminal Justice Services or its director shall be 61920
completed by the Department of Youth Services or its director in 61921
the same manner, and with the same effect, as if completed by the 61922
Office of Criminal Justice Services or its director. No 61923
validation, cure, right, privilege, remedy, obligation, or 61924
liability is lost or impaired by reason of the transfer and shall 61925
be administered by the Department of Youth Services. 61926

Any action or proceeding against the Office of Criminal 61927
Justice Services pending on the effective date of this section 61928
shall not be affected by the transfer of responsibility to the 61929
Department of Youth Services, and shall be prosecuted or defended 61930

in the name of the Department of Youth Services or its director. 61931
In all such actions and proceedings, the Department of Youth 61932
Services or its director upon application of the court shall be 61933
substituted as party. 61934

Section 112. EXPENDITURES AND APPROPRIATION INCREASES 61935
APPROVED BY THE CONTROLLING BOARD 61936

Any money that the Controlling Board approves for expenditure 61937
or any increase in appropriation authority that the Controlling 61938
Board approves pursuant to the provisions of sections 127.14, 61939
131.35, and 131.39 of the Revised Code or any other provision of 61940
law is appropriated for the period ending June 30, 2005. 61941

Section 113. PERSONAL SERVICE EXPENSES 61942

Unless otherwise prohibited by law, any appropriation from 61943
which personal service expenses are paid shall bear the employer's 61944
share of public employees' retirement, workers' compensation, 61945
disabled workers' relief, and all group insurance programs; the 61946
costs of centralized accounting, centralized payroll processing, 61947
and related personnel reports and services; the cost of the Office 61948
of Collective Bargaining; the cost of the Personnel Board of 61949
Review; the cost of the Employee Assistance Program; the cost of 61950
the affirmative action and equal employment opportunity programs 61951
administered by the Department of Administrative Services; the 61952
costs of interagency information management infrastructure; and 61953
the cost of administering the state employee merit system as 61954
required by section 124.07 of the Revised Code. These costs shall 61955
be determined in conformity with appropriate sections of law and 61956
paid in accordance with procedures specified by the Office of 61957
Budget and Management. Expenditures from appropriation item 61958
070-601, Public Audit Expense - Local Government, in Fund 422 may 61959
be exempted from the requirements of this section. 61960

Section 114. REISSUANCE OF VOIDED WARRANTS 61961

In order to provide funds for the reissuance of voided 61962
warrants pursuant to section 117.47 of the Revised Code, there is 61963
appropriated, out of moneys in the state treasury from the fund 61964
credited as provided in section 117.47 of the Revised Code, that 61965
amount sufficient to pay such warrants when approved by the Office 61966
of Budget and Management. 61967

Section 115. * CAPITAL PROJECT SETTLEMENTS 61968

This section specifies an additional and supplemental 61969
procedure to provide for payments of judgments and settlements if 61970
the Director of Budget and Management determines, pursuant to 61971
division (C)(4) of section 2743.19 of the Revised Code, that 61972
sufficient unencumbered moneys do not exist in the particular 61973
appropriation to pay the amount of a final judgment rendered 61974
against the state or a state agency, including the settlement of a 61975
claim approved by a court, in an action upon and arising out of a 61976
contractual obligation for the construction or improvement of a 61977
capital facility if the costs under the contract were payable in 61978
whole or in part from a state capital projects appropriation. In 61979
such a case, the director may either proceed pursuant to division 61980
(C)(4) of section 2743.19 of the Revised Code, or apply to the 61981
Controlling Board to increase an appropriation or create an 61982
appropriation out of any unencumbered moneys in the state treasury 61983
to the credit of the capital projects fund from which the initial 61984
state appropriation was made. The Controlling Board may approve or 61985
disapprove the application as submitted or modified. The amount of 61986
an increase in appropriation or new appropriation specified in an 61987
application approved by the Controlling Board is hereby 61988
appropriated from the applicable capital projects fund and made 61989
available for the payment of the judgment or settlement. 61990

If the director does not make the application authorized by 61991
this section or the Controlling Board disapproves the application, 61992
and the director does not make application pursuant to division 61993
(C)(4) of section 2743.19 of the Revised Code, the director shall 61994
for the purpose of making that payment make a request to the 61995
General Assembly as provided for in division (C)(5) of that 61996
section. 61997

Section 116. INCOME TAX DISTRIBUTION TO COUNTIES 61998

There are hereby appropriated out of any moneys in the state 61999
treasury to the credit of the General Revenue Fund, which are not 62000
otherwise appropriated, funds sufficient to make any payment 62001
required by division (B)(2) of section 5747.03 of the Revised 62002
Code. 62003

Section 117. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 62004
AGAINST THE STATE 62005

Any appropriation may be used for the purpose of satisfying 62006
judgments or settlements in connection with civil actions against 62007
the state in federal court not barred by sovereign immunity or the 62008
Eleventh Amendment to the Constitution of the United States, or 62009
for the purpose of satisfying judgments, settlements, or 62010
administrative awards ordered or approved by the Court of Claims 62011
in connection with civil actions against the state, pursuant to 62012
section 2743.15, 2743.19, or 2743.191 of the Revised Code. This 62013
authorization does not apply to appropriations to be applied to or 62014
used for payment of guarantees by or on behalf of the state, for 62015
or relating to lease payments or debt service on bonds, notes, or 62016
similar obligations and those from the Sports Facilities Building 62017
Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the 62018
Administrative Building Fund (Fund 026), the Adult Correctional 62019
Building Fund (Fund 027), the Juvenile Correctional Building Fund 62020

(Fund 028), the Transportation Building Fund (Fund 029), the Arts 62021
Facilities Building Fund (Fund 030), the Natural Resources 62022
Projects Fund (Fund 031), the School Building Program Assistance 62023
Fund (Fund 032), the Mental Health Facilities Improvement Fund 62024
(Fund 033), the Higher Education Improvement Fund (Fund 034), the 62025
Parks and Recreation Improvement Fund (Fund 035), the State 62026
Capital Improvements Fund (Fund 038), the Highway Obligation Fund 62027
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 62028
other fund into which proceeds of obligations are deposited. 62029
Nothing contained in this section is intended to subject the state 62030
to suit in any forum in which it is not otherwise subject to suit, 62031
nor is it intended to waive or compromise any defense or right 62032
available to the state in any suit against it. 62033

Section 118. * UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 62034

The maximum amounts that may be assessed against nuclear 62035
electric utilities in accordance with division (B)(2) of section 62036
4937.05 of the Revised Code are as follows: 62037

	FY 2004	FY 2005	
Department of Agriculture			62038
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	62039
Department of Health			62040
Fund 610 Radiation Emergency Response	\$923,315	\$923,315	62041
Environmental Protection Agency			62042
Fund 644 ER Radiological Safety	\$281,424	\$286,114	62043
Emergency Management Agency			62044
Fund 657 Utility Radiological Safety	\$1,200,000	\$1,260,000	62045

Section 119. UNCLAIMED FUNDS TRANSFER 62046

Notwithstanding division (A) of section 169.05 of the Revised 62047
Code, prior to June 30, 2004, upon the request of the Director of 62048
Budget and Management, the Director of Commerce shall transfer to 62049
62050

the General Revenue Fund up to \$25,000,000 of the unclaimed funds 62051
that have been reported by the holder of unclaimed funds as 62052
provided by section 169.05 of the Revised Code, irrespective of 62053
the allocation of the unclaimed funds under that section. 62054

Section 120. GRF TRANSFER TO FUND 5N4, OAKS PROJECT 62055
IMPLEMENTATION 62056

On July 1, 2003, or as soon thereafter as possible, the 62057
Director of Budget and Management shall transfer \$1,250,000 in 62058
cash from the General Revenue Fund to Fund 5N4, OAKS Project 62059
Implementation. On July 1, 2004, or as soon thereafter as 62060
possible, the Director of Budget and Management shall transfer 62061
\$1,250,000 in cash from the General Revenue Fund to Fund 5N4, OAKS 62062
Project Implementation. 62063

Section 120a. FUND 4K9 TRANSFER TO GRF 62064

On July 31, 2003, or as soon thereafter as possible, the 62065
Director of Budget and Management shall transfer \$2,000,000 in 62066
cash from Fund 4K9, Occupational Licensing and Regulatory Fund, to 62067
the General Revenue Fund. 62068

Section 121. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 62069

Not later than the first day of June in each year of the 62070
biennium, the Director of Budget and Management shall transfer 62071
\$1,000,000 from the Corporate and Uniform Commercial Code Filing 62072
Fund to the General Revenue Fund. 62073

Section 122. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 62074

Certain appropriations are in this act for the purpose of 62075
paying debt service and financing costs on general obligation 62076
bonds or notes of the state issued pursuant to the Ohio 62077
Constitution and acts of the General Assembly. If it is determined 62078

that additional appropriations are necessary for this purpose, 62079
such amounts are appropriated. 62080

Section 123. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 62081
STATE 62082

Certain appropriations are in this act for the purpose of 62083
making lease payments pursuant to leases and agreements relating 62084
to bonds or notes issued by the Ohio Building Authority or the 62085
Treasurer of State or, previously, by the Ohio Public Facilities 62086
Commission, pursuant to the Ohio Constitution and acts of the 62087
General Assembly. If it is determined that additional 62088
appropriations are necessary for this purpose, such amounts are 62089
appropriated. 62090

Section 124. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 62091
EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 62092

The Office of Budget and Management shall initiate and 62093
process disbursements from general obligation and lease rental 62094
payment appropriation items during the period from July 1, 2003, 62095
to June 30, 2005, relating to bonds or notes issued under Sections 62096
2i, 2k, 2l, 2m, 2n, 2o, and 15 of Article VIII, Ohio Constitution, 62097
and Chapters 151., 154., and 3318. of the Revised Code. 62098
Disbursements shall be made upon certification by the Treasurer of 62099
State of the dates and amounts due on those dates. 62100

Section 125. STATE AND LOCAL REBATE AUTHORIZATION 62101

There is hereby appropriated, from those funds designated by 62102
or pursuant to the applicable proceedings authorizing the issuance 62103
of state obligations, amounts computed at the time to represent 62104
the portion of investment income to be rebated or amounts in lieu 62105
of or in addition to any rebate amount to be paid to the federal 62106
government in order to maintain the exclusion from gross income 62107

for federal income tax purposes of interest on those state 62108
obligations pursuant to section 148(f) of the Internal Revenue 62109
Code. 62110

Rebate payments shall be approved and vouchered by the Office 62111
of Budget and Management. 62112

Section 126. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 62113
REESTABLISHMENT OF ENCUMBRANCES 62114

Any cash transferred by the Director of Budget and Management 62115
as provided by section 126.15 of the Revised Code is appropriated. 62116
Any amounts necessary to reestablish appropriations or 62117
encumbrances as provided in section 126.15 of the Revised Code are 62118
appropriated. 62119

Section 127. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 62120

Pursuant to the plan for compliance with the Federal Cash 62121
Management Improvement Act required by section 131.36 of the 62122
Revised Code, the Director of Budget and Management is authorized 62123
to cancel and reestablish all or parts of encumbrances in like 62124
amounts within the funds identified by the plan. The amounts 62125
necessary to reestablish all or parts of encumbrances are 62126
appropriated. 62127

Section 128. STATEWIDE INDIRECT COST RECOVERY 62128

Whenever the Director of Budget and Management determines 62129
that an appropriation made to a state agency from a fund of the 62130
state is insufficient to provide for the recovery of statewide 62131
indirect costs pursuant to section 126.12 of the Revised Code, the 62132
amount required for such purpose is appropriated from the 62133
available receipts of such fund. 62134

Section 129. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 62135

INDIRECT COST ALLOCATION PLAN 62136

The total transfers made from the General Revenue Fund by the 62137
Director of Budget and Management pursuant to this section shall 62138
not exceed the amounts transferred into the General Revenue Fund 62139
pursuant to division (B) of section 126.12 of the Revised Code. 62140

A director of an agency may certify to the Director of Budget 62141
and Management the amount of expenses not allowed to be included 62142
in the Statewide Indirect Cost Allocation plan pursuant to federal 62143
regulations, from any fund included in the Statewide Indirect Cost 62144
Allocation plan, prepared as required by section 126.12 of the 62145
Revised Code. 62146

Upon determining that no alternative source of funding is 62147
available to pay for such expenses, the Director of Budget and 62148
Management may transfer from the General Revenue Fund into the 62149
fund for which the certification is made, up to the amount of the 62150
certification. The director of the agency receiving such funds 62151
shall include, as part of the next budget submission prepared 62152
pursuant to section 126.02 of the Revised Code, a request for 62153
funding for such activities from an alternative source such that 62154
further federal disallowances would not be required. 62155

Section 130. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 62156
BALANCES OF OPERATING APPROPRIATIONS 62157

An unexpended balance of an operating appropriation or 62158
reappropriation that a state agency lawfully encumbered prior to 62159
the close of a fiscal year is reappropriated on the first day of 62160
July of the following fiscal year from the fund from which it was 62161
originally appropriated or reappropriated for the following period 62162
and shall remain available only for the purpose of discharging the 62163
encumbrance: 62164

(A) For an encumbrance for personal services, maintenance, 62165

equipment, or items for resale, other than an encumbrance for an 62166
item of special order manufacture not available on term contract 62167
or in the open market or for reclamation of land or oil and gas 62168
wells for a period of not more than five months from the end of 62169
the fiscal year; 62170

(B) For an encumbrance for an item of special order 62171
manufacture not available on term contract or in the open market, 62172
for a period of not more than five months from the end of the 62173
fiscal year or, with the written approval of the Director of 62174
Budget and Management, for a period of not more than twelve months 62175
from the end of the fiscal year; 62176

(C) For an encumbrance for reclamation of land or oil and gas 62177
wells, for a period ending when the encumbered appropriation is 62178
expended or for a period of two years, whichever is less; 62179

(D) For an encumbrance for any other expense, for such period 62180
as the director approves, provided such period does not exceed two 62181
years. 62182

Any operating appropriations for which unexpended balances 62183
are reappropriated beyond a five-month period from the end of the 62184
fiscal year, pursuant to division (B) of this section, shall be 62185
reported to the Controlling Board by the Director of Budget and 62186
Management by the thirty-first day of December of each year. The 62187
report on each such item shall include the item, the cost of the 62188
item, and the name of the vendor. This report to the board shall 62189
be updated on a quarterly basis for encumbrances remaining open. 62190

Upon the expiration of the reappropriation period set out in 62191
divisions (A), (B), (C), or (D) of this section, a reappropriation 62192
made pursuant to this section lapses, and the Director of Budget 62193
and Management shall cancel the encumbrance of the unexpended 62194
reappropriation not later than the end of the weekend following 62195
the expiration of the reappropriation period. 62196

Notwithstanding the preceding paragraph, with the approval of 62197
the Director of Budget and Management, an unexpended balance of an 62198
encumbrance that was reappropriated on the first day of July 62199
pursuant to this section for a period specified in division (C) or 62200
(D) of this section and that remains encumbered at the close of 62201
the fiscal biennium is hereby reappropriated pursuant to this 62202
section on the first day of July of the following fiscal biennium 62203
from the fund from which it was originally appropriated or 62204
reappropriated for the applicable period specified in division (C) 62205
or (D) of this section and shall remain available only for the 62206
purpose of discharging the encumbrance. 62207

If the Controlling Board approved a purchase, that approval 62208
remains in effect as long as the appropriation used to make that 62209
purchase remains encumbered. 62210

Section 131. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 62211

Notwithstanding any provision of law to the contrary, on or 62212
before the first day of September of each fiscal year, the 62213
Director of Budget and Management, in order to reduce the payment 62214
of adjustments to the federal government, as determined by the 62215
plan prepared pursuant to division (A) of section 126.12 of the 62216
Revised Code, may designate such funds as the director considers 62217
necessary to retain their own interest earnings. 62218

Section 131A. That Section 7 of Sub. H.B. 196 of the 124th 62219
General Assembly be amended to read as follows: 62220

Sec. 7. No one-year conditional teaching permit in the area 62221
of intervention specialist shall be issued under this section 62222
later than three years after the effective date of ~~this act~~ Sub. 62223
H.B. 196 of the 124th General Assembly. 62224

Unless the provisions of division (B) or (C) of section 62225

3319.31 of the Revised Code apply to an applicant, the State Board of Education shall issue a one-year conditional teaching permit in the area of intervention specialist, as defined by rule of the state board, to any applicant who meets the following conditions:

(A) Holds a bachelor's degree;

(B) Has successfully completed a basic skills test as prescribed by the State Board;

(C) Has completed either as part of the applicant's degree program or separate from it the equivalent of at least fifteen semester hours of coursework in the principles and practices of teaching exceptional children, including such topics as child and adolescent development, diagnosis and assessment of children with disabilities, curriculum design and instruction, applied behavioral analysis, and how to best teach students from culturally diverse backgrounds with different learning styles;

(D) The applicant has entered into a written agreement with the Department of Education and the school district, community school, or nonprofit or for profit entity operating an alternative school under section 3313.533 of the Revised Code that will employ the applicant under which the district, school, or entity will provide for the applicant a structured mentoring program in the teaching of exceptional children that is aligned with the performance expectations prescribed by State Board rule for entry-year teachers.

(E) The applicant agrees to complete while employed under the one-year teaching permit the equivalent of an additional three semester hours of coursework in the content and methods of teaching reading. The coursework may be completed through classes offered by regional professional development providers, such as special education regional resource centers, ~~regional professional development centers~~, educational service centers, local

educational agencies, professional organizations, and institutions 62257
of higher education, if the coursework is taken for credit in 62258
collaboration with a college or university that has a teacher 62259
education program approved by the State Board. 62260

(F) The applicant agrees to seek at the conclusion of the 62261
year in which the individual is employed under the one-year 62262
teaching permit issued under this section an alternative educator 62263
license issued under section 3319.26 of the Revised Code in the 62264
area of intervention specialist. The applicant shall not be 62265
reemployed by the school district, community school, or nonprofit 62266
or for profit entity operating an alternative school under section 62267
3313.533 of the Revised Code or be employed by another such 62268
district, school, or entity unless that alternative educator 62269
license is issued to the applicant prior to the beginning of the 62270
next school year. 62271

(G) The applicant pays the fee established under section 62272
3319.51 of the Revised Code applicable to one-year conditional 62273
teaching permits issued under section 3319.302 of the Revised 62274
Code. Such fee shall be deposited in the State Board of Education 62275
Licensure Fund in accordance with division (B) of section 3319.51 62276
of the Revised Code. 62277

Section 131B. That existing Section 7 of Sub. H.B. 196 of the 62278
124th General Assembly is hereby repealed. 62279

Section 131C. That Section 5 of Am. Sub. H.B. 524 of the 62280
124th General Assembly be amended to read as follows: 62281

Sec. 5. The items set forth in this section are hereby 62282
appropriated out of any moneys in the state treasury to the credit 62283
of the Public School Building Fund (Fund 021) that are not 62284
otherwise appropriated. 62285

	SFC SCHOOL FACILITIES COMMISSION		62286
CAP-622	Public School Buildings	\$ 5,000,000	62287
		<u>24,000,000</u>	62288
CAP-777	Disability Access Projects	\$ 6,000,000	62289
		<u>2,000,000</u>	62290
CAP-778	Exceptional Needs	\$ 24,000,000	62291
CAP-781	Big Eight Renovation Program	\$ 6,770,781	62292
CAP-783	Emergency School Building Assistance	\$ 15,000,000	62293
	Total School Facilities Commission	\$ 56,770,781	62294
	TOTAL Public School Building Fund	\$ 56,770,781	62295

DISABILITY ACCESS PROJECTS 62296

The amount reappropriated for appropriation item CAP-777, 62297
Disability Access Projects, shall be limited to \$2,000,000 and 62298
used to fund capital projects pursuant to this section that make 62299
buildings more accessible to students with disabilities. 62300

(A) As used in this section: 62301

(1) "Percentile" means the percentile in which a school 62302
district is ranked according to the fiscal year 1998 ranking of 62303
school districts with regard to income and property wealth under 62304
division (B) of section 3318.011 of the Revised Code. 62305

(2) "School district" means a city, local, or exempted 62306
village school district, but excludes a school district that is 62307
one of the state's twenty-one urban school districts as defined in 62308
division (O) of section 3317.02 of the Revised Code as that 62309
section existed prior to July 1, 1998. 62310

(3) "Valuation per pupil" means a district's total taxable 62311
value as defined in section 3317.02 of the Revised Code divided by 62312
the district's ADM as defined in division (A) of section 3317.02 62313
of the Revised Code as that section existed prior to July 1, 1998. 62314

(B) The School Facilities Commission shall adopt rules for 62315
awarding grants to school districts with a valuation per pupil 62316

less than \$200,000, to be used for construction, reconstruction, 62317
or renovation projects in classroom facilities, the purpose of 62318
which is to improve access to such facilities by physically 62319
handicapped persons. The rules shall include application 62320
procedures. No school district shall be awarded a grant under this 62321
section in excess of \$100,000. In addition, any school district 62322
shall be required to pay a percentage of the cost of the project 62323
for which the grant is being awarded equal to the percentile in 62324
which the district is so ranked. 62325

Section 131D. That existing Section 5 of Am. Sub. H.B. 524 of 62326
the 124 General Assembly is hereby repealed. 62327

Section 132.01. That Sections 10 and 14 of Am. Sub. S.B. 242 62328
of the 124th General Assembly be amended to read as follows: 62329

Sec. 10. NET SCHOOLNET COMMISSION 62330

Tobacco Master Settlement Agreement Fund Group 62331

S87 228-602 Education Technology \$ 16,500,000 \$ 16,500,000 62332

Trust Fund

TOTAL TSF Tobacco Master 62333

Settlement Agreement Fund 62334

Group \$ 16,500,000 \$ 16,500,000 62335

TOTAL ALL BUDGET FUND GROUPS \$ 16,500,000 \$ 16,500,000 62336

EDUCATION TECHNOLOGY TRUST FUND 62337

The foregoing appropriation item 228-602, Education 62338

Technology Trust Fund, shall be used by the SchoolNet Commission 62339

for grants to school districts and other entities and for the 62340

costs of administering these grants. Of the total amount for 62341

grants, \$1,917,293 in fiscal year 2003 shall be used for the Ohio 62342

ONEnet project, \$909,247 in fiscal year 2003 shall be used for the 62343

INFOhio Network, \$298,750 in fiscal year 2003 shall be used for 62344

the JASON Project, \$1,000,000 in fiscal year 2003 shall be used 62345
for RISE Learning Solutions, and \$200,000 in fiscal year 2003 62346
shall be used for the Stark County School Teacher Technical 62347
Training Center. The remaining amount for grants shall be made to 62348
school districts. 62349

The JASON Project shall provide funding for statewide access 62350
and a seventy-five per cent subsidy for statewide licensing of 62351
JASON content for 90,000 middle school students statewide, and 62352
professional development for teachers participating in the JASON 62353
Project. 62354

It is the intent of the General Assembly that the SchoolNet 62355
Commission, in conjunction with RISE Learning Solutions, shall 62356
develop a program that may be conducted in conjunction with 62357
state-supported technology programs, including, but not limited 62358
to, SchoolNet Commission appropriation item 228-406, Technical and 62359
Instructional Professional Development, and appropriation item 62360
228-539, Education Technology, and that shall be designed to 62361
educate preschool staff members and providers on developmentally 62362
appropriate teaching methods, behavior guidance, and literacy and 62363
to involve parents more closely in the education and development 62364
of their children. The program shall include an interactive 62365
instructional component, delivered using satellite television, 62366
Internet, and with facilitation, and shall be distributed to 62367
program participants using the established satellite receiver 62368
dishes on public schools, Head Start centers, and childcare 62369
centers at up to 100 locations throughout the state. The 62370
interactive instructional component of the program shall be 62371
developed to enhance the professional development, training, and 62372
performance of preschool staff members, the education and 62373
care-giving skills of the parents of preschool children, and the 62374
preparation of preschool-age children for learning. 62375

The program shall utilize the grant to continue a 62376

direct-service component that shall include at least three 62377
teleconferences that may be distributed by Ohio-based public 62378
television utilizing satellite or microwave technology in a manner 62379
designed to promote interactive communications between the program 62380
participants located at subsites within the Ohio Educational 62381
Broadcast Network or as determined by the commission. Program 62382
participants shall communicate with trainers and participants at 62383
other program sites through telecommunications and facsimile and 62384
on-line computer technology. As much as possible, the 62385
direct-service component shall utilize systems currently available 62386
in state-supported technology programs and conduct the component 62387
in a manner that promotes innovative, interactive communications 62388
between program participants at all the sites. Parent support 62389
groups and teacher training sessions shall supplement the 62390
teleconferences and shall occur on a local basis. 62391

RISE Learning Solutions may subcontract components of the 62392
program. 62393

Individuals eligible to participate in the program include 62394
those children, their parents, custodians, or guardians, and 62395
preschool staff members who are eligible to participate in a 62396
preschool program as defined in division (A) of section 3301.52 62397
and section 5104.02 of the Revised Code. 62398

The components of the program, including two that shall be 62399
developed in support of teacher proficiency in teaching reading to 62400
prekindergarten and kindergarten to third grade students, at the 62401
direction of the Department of Education, may include: two 62402
three-hour broadcast seminars from a central up-link station, 62403
distributed in up to 88 counties; high production-value video 62404
sought in various locations; and direct interactive adult learning 62405
activities. These two components shall include development of 62406
workbooks and involve at least three small, group-facilitated 62407
follow-up discussion workshops and development and distribution of 62408

at least two home videos. The program shall also provide Internet 62409
access, interactive lines, bulletin board, and CD-ROM. 62410

Upon completion of each of the school years for which the 62411
grant was made, RISE Learning Solutions shall issue a report to 62412
the commission and members of the General Assembly explaining the 62413
goals and objectives determined, the activities implemented, the 62414
progress made toward the achievement of the goals and objectives, 62415
and the outcome of the program. 62416

The commission shall use the remaining appropriation 62417
authority in fiscal year 2003 and appropriation authority granted 62418
in fiscal year 2004 to establish and equip, through the SchoolNet 62419
Plus Program, at least one interactive computer station for each 62420
five children enrolled in the sixth grade as determined by a 62421
three-year average adjusted per pupil property valuation pursuant 62422
to division (A) of section 3317.03 of the Revised Code. Districts 62423
in the first two quartiles of wealth shall receive up to \$380 per 62424
pupil for students in grade six to purchase classroom computers 62425
for the sixth grade. Districts in the third and fourth quartile 62426
shall receive ~~approximately~~ up to \$188 per sixth grade pupil. If a 62427
district has met the state's goal of one computer to every five 62428
students, the district may use funds provided through the 62429
SchoolNet Plus Program to purchase computers for grade seven or to 62430
fulfill educational technology needs on other grades as specified 62431
in the district's technology plan. When there is at least one 62432
computer for each five children enrolled in the sixth grade, 62433
SchoolNet shall use any remaining funds appropriated to establish 62434
and equip at least one interactive computer workstation for each 62435
five children enrolled in the seventh grade as determined by the 62436
previously defined formula. 62437

Sec. 14. All items set forth in this section are hereby 62438
appropriated out of any moneys in the state treasury to the credit 62439

of the Education Facilities Trust Fund (Fund N87) that are not 62440
otherwise appropriated. 62441

Appropriations

SFC SCHOOL FACILITIES COMMISSION 62442
CAP-780 Classroom Facilities Assistance Program \$ ~~148,400,000~~ 62443
25,600,000
Total School Facilities Commission \$ ~~148,400,000~~ 62444
25,600,000
TOTAL Education Facilities Trust Fund \$ ~~148,400,000~~ 62445
25,600,000

Section 132.02. That existing Sections 10 and 14 of Am. Sub. 62447
S.B. 242 of the 124th General Assembly is hereby repealed. 62448

Section 132.03. That Section 3 of Am. Sub. H.B. 215 of the 62449
122nd General Assembly, as most recently amended by Am. Sub. H.B. 62450
94 of the 124th General Assembly, be amended to read as follows: 62451

Sec. 3. Section 1751.68 of the Revised Code is hereby 62452
repealed, effective October 16, ~~2003~~ 2005. 62453

Section 132.04. That existing Section 3 of Am. Sub. H.B. 215 62454
of the 122nd General Assembly, as most recently amended by Am. 62455
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 62456

Section 132.05. * That Section 3 of Am. Sub. H.B. 621 of the 62457
122nd General Assembly, as most recently amended by Am. Sub. H.B. 62458
94 of the 124th General Assembly, be amended to read as follows: 62459

Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 62460
901.83 of the Revised Code are hereby repealed, effective ~~July 1,~~ 62461
~~2003~~ October 15, 2005. 62462

Section 132.06. * That existing Section 3 of Am. Sub. H.B. 62463

621 of the 122nd General Assembly, as most recently amended by Am. 62464
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 62465

Section 132.07. That Section 153 of Am. Sub. H.B. 117 of the 62466
121st General Assembly, as most recently amended by Am. Sub. H.B. 62467
94 of the 124th General Assembly, be amended to read as follows: 62468

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 62469
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 62470
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 62471
repealed, effective October 16, ~~2003~~ 2005. 62472

(B) Any money remaining in the Legislative Budget Services 62473
Fund on October 16, ~~2003~~ 2005, the date that section 5112.19 of 62474
the Revised Code is repealed by division (A) of this section, 62475
shall be used solely for the purposes stated in then former 62476
section 5112.19 of the Revised Code. When all money in the 62477
Legislative Budget Services Fund has been spent after then former 62478
section 5112.19 of the Revised Code is repealed under division (A) 62479
of this section, the fund shall cease to exist. 62480

Section 132.08. That existing Section 153 of Am. Sub. H.B. 62481
117 of the 121st General Assembly, as most recently amended by Am. 62482
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 62483

Section 132.09. That Section 27 of Sub. H.B. 670 of the 121st 62484
General Assembly, as amended by Sub. H.B. 548 of the 123rd General 62485
Assembly, be amended to read as follows: 62486

Sec. 27. The following agencies shall be retained pursuant to 62487
division (D) of section 101.83 of the Revised Code and shall 62488
expire on December 31, 2004: 62489

REVISED CODE 62490

OR

	<u>UNCODIFIED</u>	
AGENCY NAME	SECTION	
		62491
		62492
Advisory Council on Amusement Ride Safety	1711.51	62493
Advisory Board of Directors for Prison Labor	5145.162	62494
Appalachian Public Facilities Council	Sec. 3, H.B. 280, 121st GA	62495
Apprenticeship Council	4111.26	62496
Armory Board of Control	5911.09	62497
Banking Commission	1123.01	62498
Board of Voting Machine Examiners	3506.05(B)	62499
Board of Governors, Medical Malpractice Joint Underwriting Association	3929.77	62500
Board of Tax Appeals	5703.02	62501
Brain Injury Advisory Committee Committee	3304.231 3304.231	62502
Capitol Square Review and Advisory Board	105.41	62503
Child Support Guideline Advisory Council	3113.215(G)	62504
Children's Trust Fund Board	3109.15	62505
Citizen's Advisory Council (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	62506
Citizen's Advisory Council (Dept. of Mental Health)	5119.81	62507
Civilian Conservation Advisory Committee	1553.10	62508
Coastal Resources Advisory Council	1506.12	62509
Commission on African American Males	4112.12	62510
Commission on Hispanic-Latino Affairs	121.31	62511
Commodity Advisory Commission	926.32	62512
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	62513
Continuing Education Committee (for sheriffs)	109.80	62514
Controlling Board	127.12	62515
Council on Alcohol and Drug Addiction Services	3793.09	62516

Council on Unreclaimed Strip Mine Lands	1513.29	62517
County Sheriffs' Standard Car Marking and Uniform Commission	311.25	62518
Criminal Sentencing Advisory Committee	181.22	62519
Day-Care Advisory Council	5104.08	62520
Development Financing Advisory Council	122.40	62521
Electrical Safety Inspector Advisory Committee	3783.08	62522
Engineering Experiment Station Advisory Committee	3335.27	62523
Environmental Review Appeals Commission	3745.02	62524
Environmental Education Council	3745.21	62525
Forestry Advisory Council	1503.40	62526
Governor's Community Service Council	121.40	62527
Governor's Council on People with Disabilities	3303.41	62528
Hazardous Waste Facility Board	3734.05	62529
Health Care Quality Advisory Council	4121.442	62530
Health Data Advisory Committee	3729.61	62531
Hemophilia Advisory Council	3701.145	62532
Historic Site Preservation Advisory Board	149.301	62533
Home Health Agency Advisory Council	3701.88	62534
Hospital Advisory Committee and the Medical Advisory Committee of the Joint Underwriting Association Board of Governors	3929.76	62535
Industrial Commission	4121.02	62536
Industrial Commission Nominating Council	4121.04	62537
Industrial Technology and Enterprise Advisory Council	122.29	62538
Insurance Agent Education Advisory Council	3905.483	62539
Interagency Recycling Market Development Workgroup	1502.10	62540
Joint Select Committee on Volume Cap	133.021	62541
Labor-Management Government Advisory Council	4121.70	62542
Legal Rights Service Commission	5123.60	62543
Martha Kinney Cooper Ohioana Library Association Board of Trustees	3375.62	62544

Maternal and Child Health Council	3701.025	62545
Medicaid Long-Term Care Reimbursement Study Council	5111.34	62546
Medically Handicapped Children's Medical Advisory Council	3701.025	62547
Milk Sanitation Board	917.03	62548
Mine Subsidence Insurance Governing Board	3929.51	62549
Multi-Agency Radio Communication Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	62550
Multidisciplinary Council	3746.03	62551
National Museum of Afro-American History and Culture Planning Committee	149.303	62552
Ohio Advisory Council for the Aging	173.03	62553
Ohio Arts Council	3379.02	62554
Ohio Arts and Sports Facilities Commission	3383.02	62555
Ohio Benefit Systems Data Linkage Committee	125.24	62556
Ohio Bicentennial Commission	149.32	62557
Ohio Cemetery Dispute Resolution Commission	4767.05	62558
Ohio Commission on Dispute Resolution and Conflict Management	179.02	62559
Ohio Educational Telecommunications Network Commission	3353.02	62560
Ohio Ethics Commission	102.05	62561
Ohio Expositions Commission	991.02	62562
Ohio Family and Children First Cabinet Council	121.37	62563
Ohio Geology Advisory Council	1505.11	62564
Ohio Grape Industries Committee	924.51	62565
Ohio Historical Society Board of Trustees	149.30	62566
Ohio Lake Erie Commission	1506.21	62567
Ohio Medical Quality Foundation	3701.89	62568
Ohio Natural Areas Council	1517.03	62569
Ohio Parks and Recreation Council	1541.40	62570
Ohio Peace Officer Training Commission	109.71	62571

Ohio Public Defender Commission	120.01	62572
Ohio Quarter Horse Development Commission	3769.086	62573
Ohio Scenic Rivers Advisory Councils	1517.18	62574
Ohio Small Government Capital Improvements Commission	164.02	62575
Ohio Soil and Water Conservation Commission	1515.02	62576
Ohio Standardbred Development Commission	3769.085	62577
Ohio Steel Industry Advisory Council	122.97	62578
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	62579
Ohio Thoroughbred Racing Advisory Committee	3769.084	62580
Ohio Tuition Trust Authority	3334.03	62581
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	62582
Ohio Vendors Representative Committee	3304.34	62583
Ohio Veterans' Home Board of Trustees	5907.02	62584
Ohio War Orphans Scholarship Board	5910.02	62585
Ohio Water Advisory Council	1521.031	62586
Oil and Gas Commission	1509.35	62587
Organized Crime Investigations Commission	177.01	62588
Parole Board	5149.10	62589
Pharmacy and Therapeutics Committee of the Dept. of Human Services	5111.81	62590
Physical Fitness and Sports Advisory Board	3701.77	62591
Power Siting Board	4906.02	62592
Private Water Systems Advisory Council	3701.346	62593
Public Employment Risk Reduction Advisory Commission	4167.02	62594
Public Utilities Commission Nominating Council	4901.021	62595
Reclamation Commission	1513.05	62596
Recreation and Resources Commission	1501.04	62597
Recycling and Litter Prevention Advisory Council	1502.04	62598
Rehabilitation Services Commission Consumer	3304.24	62599

Advisory Committee

Select Commission on Pyrotechnics	Sec. 3, H.B. 508, 119th GA	62600
Services Committee of the Workers' Compensation System	4121.06	62601
Set Aside Review Board	123.151(C)(4)	62602
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	62603
Solid Waste Management Advisory Council	3734.51	62604
State Board of Deposit	135.02	62605
State Board of Library Examiners	3375.47	62606
State Council of Uniform State Laws	105.21	62607
State Committee for the Purchase of Products and Services of Persons with Severe Disabilities	4115.32	62608
State Criminal Sentencing Commission	181.21	62609
State Fire Commission	3737.81	62610
State and Local Government Commission of Ohio	105.45	62611
State Victims Assistance Advisory Committee	109.91	62612
Student Tuition Recovery Authority	3332.081	62613
Subcommittee of the State Board of Emergency Medical Services for Firefighter and Fire Safety Inspector Training	4765.55	62614
Submerged Lands Advisory Council	1506.37	62615
Tax Credit Authority	122.17	62616
Technical Advisory Committee to assist the Director of the Ohio Coal Development Office	1551.35	62617
Technical Advisory Council on Oil and Gas	1509.38	62618
Technology Advisory Committee (for Education)	Sec. 45.01, H.B. 117, 121st GA	62619
Unemployment Compensation Review Commission	4141.06	62620
Unemployment Compensation Advisory Council	4141.08	62621
Utility Radiological Safety Board	4937.02	62622

Veterans Advisory Committee	5902.02(K)	62623
Water and Sewer Commission	1525.11(C)	62624
Waterways Safety Council	1547.73	62625
Welfare Oversight Council	5101.93	62626
Wildlife Council	1531.03	62627
Workers' Compensation System Oversight Committee	Sec. 10, H.B. 222, 118th GA	62628
Wright-Dunbar State Heritage Commission	149.321	62629

Section 132.10. That existing Section 27 of Sub. H.B. 670 of the 121st General Assembly, as amended by Sub. H.B. 548 of the 123rd General Assembly, is hereby repealed.

Section 132.11. That Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 94 of the 124th 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, ~~2003~~ 2005.

Section 132.12. That existing Section 5 of Am. Sub. S.B. 50 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 94 of the 124th General Assembly, is hereby repealed.

Section 132.14. Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly as amended by Am. Sub. H.B. 94 of the 124th General Assembly is hereby repealed.

Section 132.14A. Section 3 of Sub. H.B. 403 of the 123rd General Assembly is hereby repealed.

Section 132.15. * The amendment of sections 4779.08 to 4779.12, 4779.15 to 4779.18, 4779.20 to 4779.27, 4779.30, 4779.32, and 4779.33 of the Revised Code is not intended to supersede the

earlier repeal, with delayed effective date, of those sections. 62649

Section 132.16. That Section 11 of Am. Sub. S.B. 50 of the 62650
121st General Assembly, as amended by Am. Sub. H.B. 405 of the 62651
124th General Assembly, is hereby repealed. 62652

Section 133. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT 62653
AGREEMENT FUND TO THE GENERAL REVENUE FUND 62654

Notwithstanding section 183.02 of the Revised Code, on or 62655
before June 30, 2004, the Director of Budget and Management may 62656
transfer up to \$242,800,000 to the General Revenue Fund from the 62657
Tobacco Master Settlement Agreement Fund (Fund 087), as provided 62658
in divisions (A) and (B) of this section: 62659

(A) Up to \$120,000,000 of the revenue that otherwise would be 62660
transferred from the Tobacco Master Settlement Agreement Fund to 62661
the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) 62662
shall instead be transferred to the General Revenue Fund. Of the 62663
tobacco revenue that is credited to the Tobacco Master Settlement 62664
Agreement Fund in fiscal year 2004, the share that is determined 62665
pursuant to section 183.02 of the Revised Code to be the amount to 62666
be transferred by the Director of Budget and Management from the 62667
Tobacco Master Settlement Agreement Fund to the Tobacco Use 62668
Prevention and Cessation Trust Fund shall be reduced by the amount 62669
that is transferred from the Tobacco Master Settlement Agreement 62670
Fund to the General Revenue Fund in accordance with this division. 62671

(B) Up to \$122,800,000 of the revenue that otherwise would be 62672
transferred form the Tobacco Master Settlement Agreement Fund to 62673
the Education Facilities Trust Fund (Fund N87) shall instead be 62674
transferred to the General Revenue Fund. Of the tobacco revenue 62675
that is credited to the Tobacco Master Settlement Agreement Fund 62676
in fiscal year 2004, the share that is determined pursuant to 62677
section 183.02 of the Revised Code to be the amount to be 62678

transferred by the Director of Budget and Management from the 62679
Tobacco Master Settlement Agreement Fund to the Education 62680
Facilities Trust Fund shall be reduced by the amount that is 62681
transferred from the Tobacco Master Settlement Agreement Fund to 62682
the General Revenue Fund in accordance with this division. 62683

Section 134. TEMPORARY ADJUSTMENT TO LOCAL GOVERNMENT 62684
DISTRIBUTIONS 62685

(A) On or before the seventh day of each month of the period 62686
July 2003 through June 2005, the Tax Commissioner shall determine 62687
and certify to the Director of Budget and Management the amount to 62688
be credited, by tax, during that month to the Local Government 62689
Fund, to the Library and Local Government Support Fund, and to the 62690
Local Government Revenue Assistance Fund, respectively, pursuant 62691
to divisions (B), (C), and (D) of this section. 62692

(B) Notwithstanding section 5727.84 of the Revised Code to 62693
the contrary, for the period July 1, 2003, through June 30, 2005, 62694
no amounts shall be credited to the Local Government Fund or to 62695
the Local Government Revenue Assistance Fund from the kilowatt 62696
hour tax, and such amounts that would have otherwise been required 62697
to be credited to such funds shall instead be credited to the 62698
General Revenue Fund. Notwithstanding sections 5727.45, 5733.12, 62699
5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, 62700
for each month in the period July 1, 2003, through June 30, 2005, 62701
from the public utility excise, corporate franchise, sales, use, 62702
and personal income taxes collected; 62703

(1) An amount shall first be credited to the Local Government 62704
Fund that equals the amount credited to that fund from that tax 62705
according to the schedule in division (C) of this section. 62706

(2) An amount shall next be credited to the Local Government 62707
Revenue Assistance Fund that equals the amount credited to that 62708
fund from that tax according to the schedule in division (C) of 62709

this section. 62710

(3) An amount shall next be credited to the Library and Local 62711
Government Support Fund that equals the amount credited to that 62712
fund from that tax according to the schedule in division (C) of 62713
this section. For purposes of determining the amount to be 62714
credited to the Library and Local Government Support Fund in each 62715
month of fiscal year 2004 pursuant to division (C) of this 62716
section, the amount credited in fiscal year 2003 shall be before 62717
the transfer made from the Library and Local Government Support 62718
Fund to the OPLIN Technology Fund under Section 70 of Am. Sub. 62719
H.B. 94 of the 124th General Assembly. For purposes of determining 62720
the amount to be credited to the Library and Local Government 62721
Support Fund in each month of fiscal year 2005 pursuant to 62722
division (C) of this section, the amount credited in fiscal year 62723
2004 shall be before any transfer required to be made from the 62724
Library and Local Government Support Fund to the OPLIN Technology 62725
Fund. 62726

(C) The amounts shall be credited from each tax to each 62727
respective fund as follows: 62728

(1) In July 2003, one hundred two per cent of the amount 62729
credited in July 2002; in July 2004, one hundred two per cent of 62730
the amount credited in July 2003; 62731

(2) In August 2003, one hundred two per cent of the amount 62732
credited in August 2002; in August 2004, one hundred two per cent 62733
of the amount credited in August 2003; 62734

(3) In September 2003, one hundred two per cent of the amount 62735
credited in September 2002; in September 2004, one hundred two per 62736
cent of the amount credited in September 2003; 62737

(4) In October 2003, one hundred two per cent of the amount 62738
credited in October 2002; in October 2004, one hundred two per 62739
cent of the amount credited in October 2003; 62740

(5) In November 2003, one hundred two per cent of the amount credited in November 2002; in November 2004, one hundred two per cent of the amount credited in November 2003;	62741 62742 62743
(6) In December 2003, one hundred two per cent of the amount credited in December 2002; in December 2004, one hundred two per cent of the amount credited in December 2003;	62744 62745 62746
(7) In January 2004, one hundred two per cent of the amount credited in January 2003; in January 2005, one hundred two per cent of the amount credited in January 2004;	62747 62748 62749
(8) In February 2004, one hundred two per cent of the amount credited in February 2003; in February 2005, one hundred two per cent of the amount credited in February 2004;	62750 62751 62752
(9) In March 2004, one hundred two per cent of the amount credited in March 2003; in March 2005, one hundred two per cent of the amount credited in March 2004;	62753 62754 62755
(10) In April 2004, one hundred two per cent of the amount credited in April 2003; in April 2005, one hundred two per cent of the amount credited in April 2004;	62756 62757 62758
(11) In May 2004, one hundred two per cent of the amount in division (C)(11)(a) of this section; in May 2005, one hundred two per cent of the amount in division (C)(11)(b) of this section;	62759 62760 62761
(a) The amount credited in May 2003, less any amount reduced pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly and as amended by Am. Sub. H.B. 390 of the 124th General Assembly;	62762 62763 62764 62765 62766
(b) The amount credited in May 2004.	62767
(12) In June 2004, one hundred two per cent of the amount in division (C)(12)(a) of this section, less any reduction required under division (D)(1) of this section; in June 2005, one hundred	62768 62769 62770

two per cent of the amount in division (C)(12)(b) of this section, 62771
less any reduction required under division (D)(2) of this section; 62772

(a) The amount credited in June 2003 before any reduction 62773
made pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 62774
94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 62775
of the 124th General Assembly and as amended by Am. Sub. H.B. 390 62776
of the 124th General Assembly; 62777

(b) The amount credited in June 2004. 62778

(D) The Tax Commissioner shall do each of the following: 62779

(1) By June 7, 2004, the commissioner shall subtract the 62780
amount calculated in division (D)(1)(b) of this section from the 62781
amount calculated in division (D)(1)(a) of this section. If the 62782
amount in division (D)(1)(a) of this section is greater than the 62783
amount in division (D)(1)(b) of this section, then such difference 62784
shall be subtracted from the total amount of income tax revenue 62785
credited to the Local Government Fund, the Local Government 62786
Revenue Assistance Fund, and the Library and Local Government 62787
Support Fund in June 2004. An amount shall be subtracted from 62788
income tax revenue credited to the Local Government Fund, the 62789
Local Government Revenue Assistance Fund, or the Library and Local 62790
Government Support Fund only if, and according to the proportion 62791
by which, such fund contributed to the result that the amount in 62792
division (D)(1)(a) of this section exceeds the amount in division 62793
(D)(1)(b) of this section. 62794

(a) The sum of all money credited to the Local Government 62795
Fund, the Local Government Revenue Assistance Fund, and the 62796
Library and Local Government Support Fund from July 2003 through 62797
May 2004; 62798

(b) The sum of all money that would have been credited to the 62799
Local Government Fund, the Local Government Revenue Assistance 62800
Fund, and the Library and Local Government Support Fund from July 62801

2003 through May 2004, if sections 5727.45, 5727.84, 5733.12, 62802
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 62803
during this period. 62804

(2) By June 7, 2005, the commissioner shall subtract the 62805
amount calculated in division (D)(2)(b) of this section from the 62806
amount calculated in division (D)(2)(a) of this section. If the 62807
amount in division (D)(2)(a) of this section is greater than the 62808
amount in division (D)(2)(b) of this section, then such difference 62809
shall be subtracted from the total amount of income tax revenue 62810
credited to the Local Government Fund, the Local Government 62811
Revenue Assistance Fund, and the Library and Local Government 62812
Support Fund in June 2005. An amount shall be subtracted from 62813
income tax revenue credited to the Local Government Fund, the 62814
Local Government Revenue Assistance Fund, or the Library and Local 62815
Government Support Fund only if, and according to the proportion 62816
by which, such fund contributed to the result that the amount in 62817
division (D)(2)(a) of this section exceeds the amount in division 62818
(D)(2)(b) of this section. 62819

(a) The sum of all money credited to the Local Government 62820
Fund, the Local Government Revenue Assistance Fund, and the 62821
Library and Local Government Support Fund from June 2004 through 62822
May 2005; 62823

(b) The sum of all money that would have been credited to the 62824
Local Government Fund, the Local Government Revenue Assistance 62825
Fund, and the Library and Local Government Support Fund from June 62826
2004 through May 2005, if sections 5727.45, 5727.84, 5733.12, 62827
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 62828
during this period. 62829

(3) On the advice of the Tax Commissioner, during any month 62830
other than June 2004 or June 2005 of the period July 1, 2003, 62831
through July 31, 2005, the Director of Budget and Management may 62832
reduce the amounts that are to be otherwise credited to the Local 62833

Government Fund, Local Government Revenue Assistance Fund, or 62834
Library and Local Government Support Fund in order to accomplish 62835
more effectively the purposes of the adjustments in divisions 62836
(D)(1) and (2) of this section. If the respective calculations 62837
made in June 2004 and June 2005 pursuant to divisions (D)(1) and 62838
(2) of this section indicate that excess reductions had been made 62839
during the previous months, such excess amounts shall be credited, 62840
as appropriate, to the Local Government Fund, Local Government 62841
Revenue Assistance Fund, and Library and Local Government Support 62842
Fund. 62843

(E) Notwithstanding any other provision of law to the 62844
contrary, the total amount credited to each fund in each month 62845
during the period July 2003 through June 2005 shall be distributed 62846
by the tenth day of the immediately succeeding month in the 62847
following manner: 62848

(1) Each county undivided local government fund shall receive 62849
a distribution from the Local Government Fund based on its 62850
proportionate share of the total amount received from the fund in 62851
such respective month for the period July 1, 2002, through June 62852
30, 2003. 62853

(2) Each municipality receiving a direct distribution from 62854
the Local Government Fund shall receive a distribution based on 62855
its proportionate share of the total amount received from the fund 62856
in such respective month for the period July 1, 2002, through June 62857
30, 2003. 62858

(3) Each county undivided local government revenue assistance 62859
fund shall receive a distribution from the Local Government 62860
Revenue Assistance Fund based on its proportionate share of the 62861
total amount received from the fund in such respective month for 62862
the period July 1, 2002, through June 30, 2003. 62863

(4) Each county undivided library and local government 62864

support fund shall receive a distribution from the Library and 62865
Local Government Support Fund based on its proportionate share of 62866
the total amount received from the fund in such respective month 62867
for the period July 1, 2002, through June 30, 2003. 62868

(F) For the 2003, 2004, and 2005 distribution years, the Tax 62869
Commissioner is not required to issue the certifications otherwise 62870
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 62871
the Revised Code, but shall provide to each county auditor by the 62872
twentieth day of July 2003, July 2004, and July 2005 an estimate 62873
of the amounts to be received by the county in the ensuing year 62874
from the Local Government Fund, Local Government Revenue 62875
Assistance Fund, and Library and Local Government Support Fund 62876
pursuant to this section and any pertinent section of the Revised 62877
Code. The Tax Commissioner may choose to report to each county 62878
auditor a revised estimate of the 2003, 2004, or 2005 62879
distributions at any time during the period July 1, 2003, through 62880
July 31, 2005. 62881

(G) If provisions of H.B. 40 of the 124th General Assembly 62882
are enacted that authorize reductions in the amounts credited to 62883
the Local Government Fund, Local Government Revenue Assistance 62884
Fund, and Library and Local Government Support Fund during fiscal 62885
year 2003, the fiscal year 2003 amounts used in determining the 62886
amounts credited to such funds during fiscal year 2004 pursuant to 62887
division (C) of this section shall be before any such reductions. 62888

(H) During the period July 1, 2003, through July 31, 2005, 62889
the Director of Budget and Management shall issue those directives 62890
to state agencies that are necessary to ensure that the 62891
appropriate amounts are distributed to the Local Government Fund, 62892
to the Local Government Revenue Assistance Fund, and to the 62893
Library and Local Government Support Fund. 62894

Section 135. TRANSFER TO THE BUDGET STABILIZATION FUND 62895

On or before June 30, 2005, the Director of Budget and Management shall transfer \$100,000,000 from the General Revenue Fund to the Budget Stabilization Fund (Fund 013).

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Section 136. * BOND MONEY APPROPRIATION TO SFC

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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. The appropriation shall be in addition to any other appropriation for this purpose.

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Appropriations

SFC SCHOOL FACILITIES COMMISSION

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CAP-770 School Building Program Assistance	\$ 122,800,000	62910
Total School Facilities Commission	\$ 122,800,000	62911
TOTAL School Building Program Assistance Fund	\$ 122,800,000	62912

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* SCHOOL BUILDING PROGRAM ASSISTANCE

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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 for the fiscal year 2003-2004 biennium in H.B. 675 of the 124th General Assembly. The School Facilities Commission shall not commit any of the appropriations made in this section until after April 1, 2004.

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* BOND ISSUANCE AUTHORITY

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The Ohio Public Facilities Commission is hereby authorized to

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issue and sell, in accordance with the provisions of Section 2n of 62925
Article VIII, Ohio Constitution, and Chapter 151. and particularly 62926
sections 151.01 and 151.03 of the Revised Code, original 62927
obligations in an aggregate principal amount not to exceed 62928
\$123,000,000, in addition to the original issuance of obligations 62929
heretofore authorized by prior acts of the General Assembly. The 62930
authorized obligations shall be issued, subject to applicable 62931
constitutional and statutory limitations, to pay the costs to the 62932
state of previously authorized capital facilities and the capital 62933
facilities authorized in this section for the School Building 62934
Program Assistance Fund pursuant to Chapter 3318. of the Revised 62935
Code. 62936

Section 136A. (A) On the effective date of this section, the 62937
following programs administered by the Ohio School Facilities 62938
Commission are terminated: 62939

(1) The Short-Term Loan Program established by Section 10.01 62940
of Am. Sub. H.B. 282 of the 123rd General Assembly; 62941

(2) The Extreme Environmental Contamination Program 62942
established by Section 10.02 of Am. Sub. H.B. 282 of the 123rd 62943
General Assembly, as subsequently amended; 62944

(3) The Emergency School Repair Program codified in section 62945
3318.35 of the Revised Code; 62946

(4) The School Building Emergency Assistance Program codified 62947
in section 3318.351 of the Revised Code. 62948

No new school district shall be served under any of these 62949
programs. The Commission may continue serving school districts 62950
that were receiving assistance under any of these programs before 62951
the effective date of this section in accordance with terms and 62952
agreements in effect on that date. 62953

(B) On March 31, 2004, the Disability Access Program 62954

established by Section 50.15 of Am. Sub. H.B. 215 of the 122nd 62955
General Assembly, Section 5 of Am. Sub. S.B. 102 of the 122nd 62956
General Assembly, as subsequently amended, Section 10 of Am. Sub. 62957
H.B. 282 of the 123rd General Assembly, as subsequently amended, 62958
Section 102.01 of Am. Sub. H.B. 94 of the 124th General Assembly, 62959
and Section 5 of Am. Sub. H.B. 524 of the 124th General Assembly 62960
is terminated. 62961

No new school district shall be served under this program. 62962
The Commission may continue serving school districts that were 62963
receiving assistance under this program before the effective date 62964
of this section in accordance with terms and agreements in effect 62965
on that date. 62966

Section 137. OHIO TECHNOLOGY INTEGRATION TASK FORCE 62967

(A) There is hereby created the Ohio Technology Integration 62968
Task Force. The Task Force shall consist of the Superintendent of 62969
Public Instruction or the Superintendent's designee, the Director 62970
of Budget and Management or the Director's designee, the Director 62971
of Administrative Services or the Director's designee, the 62972
Executive Director of the Ohio Educational Telecommunications 62973
Network Commission or the Executive Director's designee, and the 62974
Chairperson of the Public Utilities Commission of Ohio or the 62975
Chairperson's designee. The Superintendent of Public Instruction 62976
or the individual designated by the Superintendent to serve on the 62977
Task Force shall serve as chairperson of the Task Force. The 62978
chairperson of the Task Force shall call to order the first 62979
meeting of the Task Force not later than July 31, 2003. 62980

The Task Force shall develop a plan to integrate technology 62981
into all of the state's primary and secondary classrooms that 62982
enhances instruction and educational outcomes. The plan shall 62983
include a budget proposal for the fiscal year that begins July 1, 62984
2004, for provision by the Department of Education of the 62985

technology-related services that formerly were provided by the 62986
Ohio SchoolNet Commission, which are scheduled to be transferred 62987
to the Department of Education on July 1, 2004, under division (B) 62988
of this section. The plan shall describe which assets, duties and 62989
authorities, services, and employee positions the Task Force 62990
recommends transferring to the Department and which assets, duties 62991
and authorities, services, and employee positions the task force 62992
recommends eliminating. In developing the plan, the Task Force 62993
shall give consideration to economies of scale anticipated by the 62994
transfer and may confer with and seek the advice of those persons 62995
who are stakeholders in the implementation of technology in the 62996
state's primary and secondary classrooms. 62997

Not later than March 31, 2004, the Task Force shall present 62998
its recommendations to the Controlling Board for the Board's 62999
approval. Upon the Board's approval of the Task Force's plan, the 63000
Task Force shall cease to exist. 63001

(B) Effective July 1, 2004, the Ohio SchoolNet Commission is 63002
abolished and, subject to the plan to integrate technology into 63003
all of the state's primary and secondary classrooms proposed by 63004
the Ohio Technology Integration Task Force and approved by the 63005
Controlling Board under division (A) of this section, its 63006
functions, assets, and liabilities, including but not limited to 63007
vehicles and equipment assigned to employees of the Commission and 63008
records of the Commission regardless of form or medium, are 63009
transferred to the Department of Education. The Department of 63010
Education is thereupon and thereafter successor to, assumes the 63011
obligations of, and otherwise constitutes the continuation of the 63012
Ohio SchoolNet Commission. The functions of the Executive Director 63013
of the Commission are thereupon and thereafter transferred to the 63014
Superintendent of Public Instruction. 63015

Any business commenced but not completed by the Ohio 63016
SchoolNet Commission or the Executive Director of the Commission 63017

on July 1, 2004, shall be completed by the Department of Education 63018
or the Superintendent of Public Instruction, respectively, in the 63019
same manner, and with the same effect, as if completed by the Ohio 63020
SchoolNet Commission or the Executive Director of the Commission. 63021
No validation, cure, right, privilege, remedy, obligation, or 63022
liability is lost or impaired by reason of the transfer required 63023
under this section and shall be administered by the Department of 63024
Education. All of the Ohio SchoolNet Commission's rules, orders, 63025
and determinations continue in effect as rules, orders, and 63026
determinations of the Department of Education, until modified or 63027
rescinded by the Department. If necessary to ensure the integrity 63028
of the Administrative Code, the Director of the Legislative 63029
Service Commission shall renumber the Ohio SchoolNet Commission's 63030
rules to reflect their transfer to the Department of Education. 63031

(C) Employees of Ohio SchoolNet Commission shall be 63032
transferred to the Department of Education or dismissed in 63033
accordance with the plan proposed by the Ohio Technology 63034
Integration Task Force and approved by the Controlling Board under 63035
division (A) of this section. Subject to lay-off provisions of 63036
sections 124.321 to 124.328 of the Revised Code, those employees 63037
of the Ohio SchoolNet Commission so transferred to the Department 63038
of Education retain their positions and all of the benefits 63039
accruing thereto. Employees of the Ohio SchoolNet Commission so 63040
dismissed cease to hold their positions of employment on July 1, 63041
2004. 63042

Ohio SchoolNet Commission employees transferred under 63043
provisions of this section shall remain in the unclassified 63044
service of the state. 63045

The reassignment of the functions and duties of Ohio 63046
SchoolNet Commission employees under this section is not a subject 63047
appropriate for collective bargaining under Chapter 4117. of the 63048
Revised Code. All positions of any Ohio SchoolNet Commission 63049

employees transferred to the Department of Education under this 63050
section shall not be subject to Chapter 4117. of the Revised Code 63051
in the same manner as when those positions were under the 63052
authority of the Ohio SchoolNet Commission. 63053

(D) No judicial or administrative action or proceeding in 63054
which the Ohio SchoolNet Commission or the Executive Director of 63055
the Commission is a party that is pending on July 1, 2004, is 63056
affected by the transfer of functions under division (B) of this 63057
section. Such action or proceeding shall be prosecuted or defended 63058
in the name of the Superintendent of Public Instruction. On 63059
application to the court or other tribunal, the Superintendent of 63060
Public Instruction shall be substituted for the Executive Director 63061
of the Commission as a party to such action or proceeding. 63062

(E) On and after July 1, 2004, when the Ohio SchoolNet 63063
Commission or the Executive Director of the Ohio SchoolNet 63064
Commission is referred to in any statute, rule, contract, grant, 63065
or other document, the reference is hereby deemed to refer to the 63066
Department of Education or Superintendent of Public Instruction, 63067
respectively. 63068

(F) Effective July 1, 2004, the functions that the Ohio 63069
SchoolNet Commission performs under a grant agreement with the 63070
United States Department of Education are assigned to the Ohio 63071
Department of Education, subject to ratification by the 63072
department. 63073

Section 137A. CREATION OF A JOINT VOCATIONAL-COMMUNITY 63074
COLLEGE IN WARREN COUNTY 63075

(A) Notwithstanding section 3333.05 of the Revised Code, the 63076
Ohio Board of Regents shall issue a charter for a new community 63077
college, as defined by division (C) of section 3354.01 of the 63078
Revised Code, to be operated jointly with the Warren County Career 63079
Center on a pilot basis in fiscal years 2004 and 2005, provided 63080

the following conditions are met: 63081

(1) The Warren County Career Center joint vocational school board approves, by resolution, the establishment of a joint vocational-community college within the Career Center. 63082
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(2) The local workforce policy board, established under section 6301.06 of the Revised Code, in which the majority of the Career Center territory is located approves, by resolution, the establishment of a joint vocational-community college within the Career Center. 63085
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(3) The Warren County Career Center joint vocational school board and the local workforce policy board submit a community college plan that conforms to the requirements of section 3354.07 of the Revised Code to the Board of Regents. 63090
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(B) The joint vocational-community college established under this section shall function as: 63094
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(1) A provider of career-technical education to secondary school students subject to all laws applicable to joint vocational school districts under Title XXXIII of the Revised Code, unless this section provides otherwise; 63096
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(2) A provider of arts and sciences and technical instructional programs, not exceeding two years' duration, for postsecondary school students, subject to all laws applicable to community colleges under Chapters 3345. and 3354. of the Revised Code, unless this section provides otherwise; 63100
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(3) A provider of arts and sciences and technical instructional programs for secondary school students participating in the postsecondary enrollment options program under Chapter 3365. of the Revised Code. 63105
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(C) Within ninety days of the establishment of the joint vocational-community college under this section, the joint 63109
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vocational-community college shall be managed and controlled by a board of education comprised of all members of the joint vocational school district board of education holding office in accordance with section 3311.19 of the Revised Code and members appointed by the Governor in a number that is equivalent to one-third of the number of members of the joint vocational school district board of education.

The members appointed by the Governor shall be representatives of the business community who reside within the territory of the joint vocational school district. Appointed members shall serve for terms ending June 30, 2005. Vacancies shall be filled in the same manner as 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 such term.

All members of the joint vocational-community college board of education are eligible for compensation, expense reimbursement, and training program expenses as provided by section 3311.19 of the Revised Code.

Except as provided in this section, upon the formation of the joint vocational-community college board of education, the board shall have all the same powers, duties, and authority for the management and operation of the joint vocational-community college as is granted by law to both a joint vocational school district board of education and community college board of trustees under the Revised Code.

(D) The community college district of the joint vocational-community college is comprised of the same territory as the Warren County Career Center joint vocational school district.

(E) In accordance with section 3333.04 of the Revised Code, the Board of Regents shall approve appropriate associate degree

programs to be offered by the joint vocational-community college. 63142

(F) In calculating the subsidy entitlement of the joint 63143
vocational-community college for activities performed in 63144
furtherance of its duties under division (B)(2) of this section, 63145
the Board of Regents shall assign the institution to categories 63146
described in the formulas established in Section 88.04 of this act 63147
and use the procedures required by the system of formulas that 63148
have been established by the Board of Regents. The joint 63149
vocational-community college shall only be eligible to receive 63150
eighty per cent of the subsidy entitlement calculated under this 63151
division. 63152

(G) The joint vocational-community college established by 63153
this section shall be ineligible to receive state financial 63154
assistance for capital improvements otherwise available to 63155
community colleges under Chapter 3345. or 3354. of the Revised 63156
Code. 63157

(H) All funds received by the joint vocational-community 63158
college to carry out its duties under division (B)(1) and (3) of 63159
this section shall be kept separate from all funds received by the 63160
joint vocational-community college to carry out its duties under 63161
division (B)(2) of this section. All revenues from taxes levied by 63162
the joint vocational school district shall be kept separate from 63163
all revenues of any taxes levied by the community college 63164
district. 63165

(I) The joint vocational-community college is eligible for 63166
classroom facilities assistance under sections 3318.40 to 3318.46 63167
of the Revised Code. 63168

(J) By June 30, 2005, the board of education of the joint 63169
vocational-community college shall submit a report to the Board of 63170
Regents on the status of the joint vocational-community college 63171
pilot program. This report shall include information on the 63172

effectiveness of the pilot program, statistics of students 63173
enrolling in postsecondary courses for college credit, retention 63174
rates of students enrolling in courses for college credit, and any 63175
other information that the board of education or the Board of 63176
Regents determines to be relevant. 63177

Section 137B. (A) As used in this section, "pharmacy 63178
provider" has the same meaning as in rule 5101:3-9-01 of the 63179
Administrative Code. 63180

(B) The Department of Job and Family Services shall establish 63181
the Medication Management Incentive Payment Program for state 63182
fiscal years 2004 and 2005 for pharmacy services provided Medicaid 63183
recipients other than those who reside in a nursing facility or an 63184
intermediate care facility for the mentally retarded. Any pharmacy 63185
provider that serves Medicaid recipients may elect to participate 63186
in the Program in one or both of the state fiscal years that it is 63187
in effect. 63188

(C) The Department of Job and Family Services shall do the 63189
following: 63190

(1) Determine the statewide monthly average cost of providing 63191
pharmacy services to Medicaid recipients other than those who 63192
reside in a nursing home or an intermediate care facility for the 63193
mentally retarded during the last quarter of the biennium ending 63194
June 30, 2003; 63195

(2) Establish a reimbursement rate for pharmacy services 63196
provided under the Medication Management Incentive Payment Program 63197
for the first quarter of the biennium ending June 30, 2005. 63198

(D) Under the Medication Management Incentive Payment 63199
Program: 63200

(1) If a participating pharmacy provider's average monthly 63201
cost of providing pharmacy services to a number of Medicaid 63202

recipients specified by the Department of Job and Family Services 63203
in a quarter after the first quarter of the biennium ending June 63204
30, 2003, is greater than or equal to the statewide monthly 63205
average cost of providing pharmacy services during the last 63206
quarter of the biennium ending June 30, 2003, the pharmacy 63207
provider shall be reimbursed at the rate established by the 63208
Department for the first quarter of the biennium ending June 30, 63209
2005. 63210

(2) If a participating pharmacy provider's average monthly 63211
cost of providing pharmacy services to the number of Medicaid 63212
recipients specified by the Department of Job and Family Services 63213
in a quarter after the first quarter of the biennium ending June 63214
30, 2003, is less than the statewide monthly average cost of 63215
providing pharmacy services during the last quarter of the 63216
biennium ending June 30, 2003, the pharmacy provider shall be 63217
reimbursed at an enhanced rate established by the Department. 63218

(E) A pharmacy provider that elects to participate in the 63219
program may achieve a reduction in its average monthly cost for 63220
providing pharmacy services to Medicaid recipients by providing 63221
consulting services to the physicians who prescribe drugs to the 63222
recipient. These consulting services may include recommendations 63223
for eliminating unnecessary and duplicative drug therapies, 63224
modifying inefficient drug regimens, and implementing safe and 63225
cost-effective drug therapies. 63226

(F) The Department of Job and Family Services shall adopt, in 63227
accordance with Chapter 119. of the Revised Code, any rule it 63228
considers necessary to develop and administer the Medication 63229
Management Incentive Payment Program. The rules may provide for 63230
compensation for physicians who consult with pharmacy providers 63231
that participate in the program. 63232

Section 137C. OFFICE OF QUALITY SERVICES FUND TRANSFERS 63233

Notwithstanding any other provision of law to the contrary, 63234
the Director of Budget and Management shall transfer any remaining 63235
amounts of cash from the following specified obsolete fund to the 63236
General Revenue Fund within thirty days after the effective date 63237
of this section: Quality Services (General Services Fund 4C1). The 63238
amount of such transfer to the General Revenue Fund is hereby 63239
appropriated to General Revenue Fund appropriation item 042-409, 63240
Commission Closures. 63241

Section 137D. TRANSFER FROM BOARD OF TAX APPEALS 63242

Notwithstanding any other provision of law to the contrary, 63243
on July 31, 2003, or as soon thereafter as possible, the Director 63244
of Budget and Management shall transfer any remaining amounts of 63245
cash from the following specified obsolete fund to the General 63246
Revenue Fund: Reproduction of Decisions (General Services Fund 63247
439). 63248

Section 138. (A) As used in this section, "nursing facility" 63249
means a facility, or a distinct part of a facility, that is 63250
certified as a nursing facility by the Director of Health for 63251
purposes of the Medicaid Program and is not an intermediate care 63252
facility for the mentally retarded. "Nursing facility" includes a 63253
facility, or a distinct part of a facility, that is certified as a 63254
skilled nursing facility by the Director of Health for purposes of 63255
the Medicare Program. 63256

(B) The Director of Health shall request from the Secretary 63257
of the United States Department of Health and Human Services 63258
approval to develop an alternative regulatory procedure for 63259
nursing facilities subject to federal regulation. If the Secretary 63260
gives approval, the Director shall convene the Nursing Facility 63261
Regulatory Reform Task Force. 63262

(C) The Director of Health shall serve as chair of the Task 63263

Force. The Director of Aging, the Director of Job and Family 63264
Services, the State Long-Term Care Ombudsman, or persons they 63265
designate and a member of the Governor's staff designated by the 63266
Governor shall serve on the Task Force. The Director of Health 63267
shall appoint the following individuals to serve on the Task 63268
Force: 63269

(1) Two representatives of the Ohio Health Care Association; 63270

(2) Two representatives of the Association of Ohio 63271
Philanthropic Homes and Housing for the Aging; 63272

(3) Two representatives of the Ohio Academy of Nursing Homes; 63273

(4) Two representatives of the American Association of 63274
Retired Persons (AARP); 63275

(5) Two representatives of Families for Improved Care; 63276

(6) A representative from the Ohio Association of Regional 63277
Long-Term Care Ombudsman Programs; 63278

(7) A representative of the 1199 League of Registered Nurses; 63279

(8) A representative of the American Federation of State, 63280
County, and Municipal Employees. 63281

(D) Except to the extent that service on the task force is 63282
part of their employment, Task Force members shall serve without 63283
compensation and shall not be reimbursed by the State for expenses 63284
incurred in carrying out their duties on the Task Force. The 63285
Scripps Gerontology Center at Miami University shall provide 63286
technical and support services for the Task Force. 63287

(E) The Task Force shall do all of the following: 63288

(1) Review the effectiveness of current regulatory procedures 63289
for nursing facilities regarding the quality of care and quality 63290
of life of nursing facility residents; 63291

(2) Develop recommendations for improved regulatory 63292

procedures for nursing facilities to improve the quality of care 63293
and quality of life of nursing facility residents; 63294

(3) Evaluate potential effects on nursing facility residents 63295
of elimination of components of the Certificate of Need program 63296
pertaining to long-term care facilities; 63297

(4) Develop possible demonstration projects to present the 63298
potential of proposed changes to the regulatory procedure to 63299
increase the quality of care and the quality of life of nursing 63300
facility residents. 63301

(F) The Task Force shall submit a report of its findings and 63302
recommendations to the Speaker and Minority Leader of the House of 63303
Representatives and to the President and Minority Leader of the 63304
Senate. The report shall explain any changes to the Revised Code 63305
required to implement the recommendations. On submission of the 63306
recommendations, the Task Force shall cease to exist. 63307

(G) At the request of the General Assembly by adoption of a 63308
joint resolution, the Director of Health shall apply to the 63309
Secretary of the United States Department of Health and Human 63310
Services for a waiver to implement the recommendations of the Task 63311
Force. 63312

Section 139.01. In amending sections 121.084, 4104.41, 63313
4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 63314
4104.46 and section 4104.47, and in repealing and re-enacting 63315
sections 4104.42 and 4104.43 of the Revised Code, it is the intent 63316
of the General Assembly that the provisions of this act are 63317
general laws created in the exercise of the state's police power, 63318
arising out of matters of statewide concern, and are designed for 63319
the health, safety, and welfare of contractors, their employees, 63320
and the public. 63321

Section 139.02. In amending sections 121.084, 4104.41, 63322

4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 63323
4104.46 and section 4104.47, and in repealing and re-enacting 63324
sections 4104.42 and 4104.43 of the Revised Code, it is the intent 63325
of the General Assembly that power, refrigerating, hydraulic, 63326
heating and liquefied petroleum gas, oxygen, and other gaseous 63327
piping systems will continue to be inspected as part of the 63328
building permit process, enforcement of plumbing and mechanical 63329
building codes, and occupancy certification. The purpose of this 63330
legislative action is solely to eliminate duplicative inspection 63331
personnel and fees. 63332

Section 140. DISABILITY ASSISTANCE TRANSITION 63333

(A) Subject to the provisions of Chapter 5115. of the Revised 63334
Code, as amended, enacted, and repealed by this act, the 63335
Disability Financial Assistance Program constitutes a continuation 63336
of the financial assistance component of the Disability Assistance 63337
Program established under Chapter 5115. of the Revised Code, as it 63338
existed prior to the effective date of this section, and the 63339
Disability Medical Assistance Program constitutes a continuation 63340
of the medical assistance component of the Disability Assistance 63341
Program. 63342

Any business commenced but not completed on behalf of the 63343
Disability Assistance Program shall be completed in the same 63344
manner, and with the same effect, on behalf of the Disability 63345
Financial Assistance Program and the Disability Medical Assistance 63346
Program. 63347

Except as provided in division (B) and (C) of this section, 63348
all rules, orders, and determinations regarding the Disability 63349
Assistance Program continue in effect as rules, orders, and 63350
determinations regarding the Disability Financial Assistance 63351
Program and the Disability Medical Assistance Program, until 63352
modified or rescinded. 63353

Wherever the Disability Assistance Program is referred to in 63354
any law, contract, or other document, the reference shall be 63355
deemed to refer to the Disability Financial Assistance Program or 63356
the Disability Medical Assistance Program, whichever is 63357
appropriate. 63358

(B) Notwithstanding any determination through administrative 63359
or judicial order or otherwise, a person who was receiving 63360
financial assistance under the Disability Assistance Program prior 63361
to the effective date of this section ceases to be eligible for 63362
continued financial assistance under the Disability Financial 63363
Assistance Program on the effective date of this section, unless 63364
one of the following is the case: 63365

(1) The person was receiving the assistance on the basis of 63366
being age 60 or older or on the basis of being unable to do any 63367
substantial or gainful activity by reason of a medically 63368
determinable physical or mental impairment that can be expected to 63369
result in death or has lasted or can be expected to last for not 63370
less than nine months. 63371

(2) The person was receiving the assistance by meeting other 63372
eligibility requirements but applies for Disability Financial 63373
Assistance pursuant to section 5115.05 of the Revised Code, as 63374
amended by this act, and receives a determination of eligibility 63375
by meeting the requirements specified in section 5115.01 of the 63376
Revised Code, as amended by this act. 63377

(C) Notwithstanding the provisions of section 5115.10 of the 63378
Revised Code, as amended by this act, that limit eligibility for 63379
disability medical assistance to persons determined to be 63380
medication dependent, both of the following apply: 63381

(1) The Director of Job and Family Services may adopt rules 63382
in accordance with section 111.15 of the Revised Code providing 63383
for and governing temporary provision of disability medical 63384

assistance to persons who were recipients of medical assistance 63385
under the Disability Assistance Program prior to the effective 63386
date of this section. 63387

(2) A person's eligibility for disability medical assistance 63388
may continue pursuant to the rules adopted under division (C)(1) 63389
of this section until the state or county department of job and 63390
family services conducts a redetermination of the person's 63391
eligibility in accordance with the requirement that recipients be 63392
medication dependent, unless the person otherwise becomes 63393
ineligible for disability medical assistance. 63394

Section 140.01. * Notwithstanding sections 5101.60 to 5101.70 63395
of the Revised Code, as amended or enacted by this act, cases 63396
referred to a county department of job and family services under 63397
section 5126.31 and investigations by the department of reports 63398
provided for in section 5101.61 of the Revised Code that were 63399
initiated before the effective date of this section shall be 63400
completed in accordance with the law as it existed on the date the 63401
referrals or reports were made. The county department of job and 63402
family services may provide necessary protective services in those 63403
cases if funding is locally available. 63404

Section 142.01. (A) As used in this section, "change of 63405
operator," "entering operator," "exiting operator," "nursing 63406
facility," "provider," and "provider agreement" have the same 63407
meaning as in section 5111.20 of the Revised Code. 63408

(B) Notwithstanding Chapter 5111. of the Revised Code or any 63409
other state law to the contrary, the Medicaid reimbursement rate 63410
for nursing facility services provided to a Medicaid recipient 63411
during the period beginning July 1, 2003, and ending June 30, 63412
2005, shall be as follows: 63413

(1) If the provider has a valid provider agreement regarding 63414

the nursing facility on June 30, 2003, the provider's rate for the 63415
nursing facility shall be the same as the provider's rate for the 63416
nursing facility in effect on June 30, 2003; 63417

(2) If the nursing facility undergoes a change of operator 63418
after June 30, 2003, the entering operator's rate for the nursing 63419
facility shall be the same as the exiting operator's rate for the 63420
nursing facility that is in effect on the day before the effective 63421
date of the entering operator's provider agreement; 63422

(3) If the nursing facility both obtains initial 63423
certification as a nursing facility from the director of health 63424
and begins participation in the Medicaid program after June 30, 63425
2003, the provider's rate for the nursing facility shall be the 63426
median of all rates paid to nursing facilities on June 30, 2003; 63427

(4) If one or more Medicaid certified beds are added to the 63428
nursing facility after June 30, 2003, the provider's rate for the 63429
added beds shall be the same as the provider's rate for the 63430
Medicaid certified beds that are in the nursing facility on the 63431
day before the new beds are added. 63432

(C) To calculate overpayments, the Department of Job and 63433
Family Services shall apply an audit adjustment to a cost report 63434
that covers a period ending December 31, 2001, to the rate the 63435
Department pays a provider of nursing facility services provided 63436
to a Medicaid recipient during the period beginning July 1, 2002, 63437
and ending June 30, 2005. 63438

Section 142.02. (A) As used in this section, "change of 63439
operator," "entering operator," "exiting operator," "intermediate 63440
care facility for the mentally retarded," "provider," and 63441
"provider agreement" have the same meaning as in section 5111.20 63442
of the Revised Code. 63443

(B) Notwithstanding Chapter 5111. of the Revised Code or any 63444

other state law to the contrary, the Medicaid reimbursement rate 63445
for intermediate care facility services for the mentally retarded 63446
provided to a Medicaid recipient during the period beginning July 63447
1, 2003, and ending June 30, 2005, shall be as follows: 63448

(1) If the provider has a valid provider agreement regarding 63449
the intermediate care facility for the mentally retarded on June 63450
30, 2003, the provider's rate for the facility shall be the same 63451
as the provider's rate for the facility in effect on June 30, 63452
2003; 63453

(2) If the intermediate care facility for the mentally 63454
retarded undergoes a change of operator after June 30, 2003, the 63455
entering operator's rate for the facility shall be the same as the 63456
exiting operator's rate for the facility that is in effect on the 63457
day before the effective date of the entering operator's provider 63458
agreement; 63459

(3) If the intermediate care facility for the mentally 63460
retarded both obtains initial certification as an intermediate 63461
care facility for the mentally retarded from the director of 63462
health and begins participation in the Medicaid program after June 63463
30, 2003, the provider's rate for the facility shall be the median 63464
of all rates paid to intermediate care facilities for the mentally 63465
retarded on June 30, 2003; 63466

(4) If one or more Medicaid certified beds are added to the 63467
intermediate care facility for the mentally retarded after June 63468
30, 2003, the provider's rate for the added beds shall be the same 63469
as the provider's rate for the Medicaid certified beds that are in 63470
facility on the day before the new beds are added. 63471

(C) To calculate overpayments, the Department of Job and 63472
Family Services shall apply an audit adjustment to a cost report 63473
that covers a period ending December 31, 2001, to the rate the 63474
Department pays a provider of intermediate care facility services 63475

for the mentally retarded provided to a Medicaid recipient during 63476
the period beginning July 1, 2002, and ending June 30, 2005. 63477

Section 142.02A. STATE SERVICES REVIEW 63478

(A) The Office of Budget and Management shall review all 63479
services provided by the state that are of a commercial nature, 63480
including services provided by public universities, to determine 63481
which of those services may be opened to competition with private 63482
enterprise. 63483

(B) Not later than December 31, 2003, the Office of Budget 63484
and Management shall issue a report to the Governor, the Speaker 63485
of the House of Representatives, and the President of the Senate 63486
regarding the review conducted under division (A) of this section. 63487
The report shall identify which services of a commercial nature 63488
provided by the state may be opened to competition with private 63489
enterprise and shall contain recommendations on the manner in 63490
which those services may be opened to competition. 63491

(C) By July 1, 2004, the Office of Budget and Management 63492
shall implement a program to open to competition with private 63493
enterprise at least five per cent of the services identified as 63494
capable of being opened to such competition in the report issued 63495
under division (B) of this section. 63496

(D)(1) The Office of Budget and Management shall develop a 63497
proposal, subject to approval by the General Assembly, for a 63498
program to provide incentives to public employees and state 63499
agencies for identifying services provided by this state that may 63500
be opened to competition with private enterprise and for 63501
implementing programs to open those services to such competition. 63502
The incentives provided in the proposal may include, but are not 63503
limited to, both of the following: 63504

(a) Cash payments made to employees; 63505

(b) State agencies retaining a percentage of any budgetary savings realized through the implementation of competition with private enterprise. 63506
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(2) The Office of Budget and Management shall submit the proposal developed under division (D)(1) of this section to the General Assembly not later than March 31, 2004. 63509
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(E) As used in this section: 63512

(1) "Commercial" means performing services or providing goods that normally can be obtained from a private enterprise. 63513
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(2) "Private enterprise" means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging, in the private sector, in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit. 63515
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Section 142.02B. STATE SERVICES REVIEW 63521

(A) The Office of Budget and Management shall review the structure of delivery of all administrative support services within the government of the state. The review shall include, but shall not be not limited to, each of the following categories of administrative support services: 63522
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(1) Fiscal management and oversight; 63527

(2) Human resources; 63528

(3) Purchasing; 63529

(4) Printing; 63530

(5) Fleet management; 63531

(6) Contracting. 63532

(B) The purpose of the review conducted under this section 63533

shall be to determine the efficiency of the provision of 63534
administrative support services within state government. For each 63535
category of administrative support services, the review shall 63536
include all of the following: 63537

(1) An accounting of all personnel engaged in the relevant 63538
service; 63539

(2) Consideration of the responsibility and role of each 63540
service; 63541

(3) A determination of the existence of duplicative equipment 63542
and systems; 63543

(4) The appropriate level of oversight; 63544

(5) The current role of the Department of Administrative 63545
Services and the Office of Budget and Management in providing 63546
oversight; 63547

(6) Operational efficiencies; 63548

(7) The cost of providing the services. 63549

(C) Not later than January 31, 2004, the Office of Budget and 63550
Management shall issue a report to the General Assembly making 63551
recommendations for the consolidation, reformation, and 63552
restructuring of the services reviewed under division (A) of this 63553
section. The report shall identify any changes required to be made 63554
to codified or uncodified statutes to implement its 63555
recommendations. 63556

Section 142.02C. STATE SERVICES REVIEW 63557

(A) The Office of Budget and Management shall develop a 63558
rating system for evaluating the effectiveness of all state 63559
programs. In evaluating the effectiveness of state programs, the 63560
rating system may consider all of the following: 63561

(1) The cost of the program; 63562

(2) The accountability of any spending by the program;	63563
(3) The appropriateness of state government providing the services offered through the program;	63564 63565
(4) The impact of the program;	63566
(5) Whether the program is meeting its stated goals, if any.	63567
(B) Not later than May 1, 2004, the Office of Budget and Management shall submit the rating system developed under division (A) of this section to the General Assembly. If the General Assembly fails to prohibit the rating system from taking effect within sixty days after the rating system is so submitted, the Office of Budget and Management shall implement the rating system.	63568 63569 63570 63571 63572 63573
(C) If a rating system is implemented under division (B) of this section, the Governor, in submitting the proposed operating budget for the 2006-2007 biennium to the General Assembly, shall include with that proposed budget a catalog indicating the rating received by each program operated by this state.	63574 63575 63576 63577 63578
Section 142.02D. STATE SERVICES REVIEW	63579
(A) There is hereby created the Asset and Enterprise Review Committee, the purposes of which are to inventory and appraise all assets and enterprises of the state, to review those assets and enterprises to determine which of them may be sold, leased, or otherwise removed from state ownership or operation, to make recommendations as to the process and timeframe for the disposal of such assets and enterprises, and to make recommendations regarding the manner in which any cost savings realized through the disposal of such assets and enterprises shall be dispersed. In determining the manner in which cost savings shall be dispersed, the Committee shall consider recommending that the agency that owns or controls the asset or enterprise being disposed of be allowed to retain a portion of the savings realized through that	63580 63581 63582 63583 63584 63585 63586 63587 63588 63589 63590 63591 63592

disposal.	63593
(B)(1) The Committee shall consist of thirteen members to be appointed as follows:	63594 63595
(a) The Director of Administrative Services or the Director's designee;	63596 63597
(b) The Director of Budget and Management, or the Director's designee;	63598 63599
(c) Two members of the Governor's administration, to be appointed by the Governor;	63600 63601
(d) Three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;	63602 63603
(e) Three members of the Senate, to be appointed by the President of the Senate;	63604 63605
(f) One member of the private sector, to be appointed by the Governor;	63606 63607
(g) One member of the private sector, to be appointed by the Speaker of the House of Representatives;	63608 63609
(h) One member of the private sector, to be appointed by the President of the Senate.	63610 63611
(2) Members shall be appointed within thirty days after the effective date of this section. Vacancies on the Committee shall be filled in the manner provided for original appointments.	63612 63613 63614
(3) In appointing the legislative members of the Committee, the Speaker of the House of Representatives and the President of the Senate each shall designate one member as a co-chairperson of the Committee. The co-chairpersons shall convene such meetings of the Committee as they consider necessary to carry out its purposes.	63615 63616 63617 63618 63619 63620
(C) Members of the Committee shall receive no compensation,	63621

but shall be reimbursed for necessary expenses incurred in the 63622
performance of their official duties. 63623

(D) For the sole purpose of permitting membership on the 63624
Committee and the holding of any other public office or 63625
employment, membership on the Committee does not constitute the 63626
holding of any other public office or employment. No member of the 63627
Committee is disqualified from holding any public office or 63628
employment, nor does any member of the Committee forfeit any 63629
public office or employment, by reason of the member's position as 63630
a member of the Committee. 63631

(E) Not later than December 31, 2003, the Committee shall 63632
prepare its inventory, appraisal, and all required recommendations 63633
and file a written copy of them with the Governor, the Speaker of 63634
the House of Representatives, and the President of the Senate. 63635
When the Committee has filed its inventory, appraisal, and 63636
recommendations as required by this division, it shall cease to 63637
exist. 63638

Section 142.02E. By not later than September 1, 2004, the 63639
Department of Administrative Services shall issue a report to the 63640
General Assembly that indicates how it has implemented the 63641
recommendations from the 2002 report entitled "Administrative 63642
Analysis of the Ohio Fleet Management Program" or explain why the 63643
Department has not implemented the recommendations. 63644

Section 145.01. * The Hemophilia Advisory Council established 63645
under section 3701.145 of the Revised Code, renumbered as section 63646
3701.0210 of the Revised Code by this act, is hereby abolished. 63647

Section 145.01A. On the effective date of this section, the 63648
Commission on African-American Males is abolished and all of its 63649
functions, and assets and liabilities, are transferred to the 63650
Commission on Minority Health through the operation by the 63651

Commission on Minority Health of an African-American Males 63652
Program, as provided in Section 1 of this act. The Commission on 63653
Minority Health is thereupon and thereafter successor to, assumes 63654
the obligations of, and otherwise constitutes the continuation of 63655
the Commission on African-American Males. 63656

Any business commenced but not completed by the Commission on 63657
African-American Males on the effective date of this section shall 63658
be completed by the Commission on Minority Health in the same 63659
manner, and with the same effect, as if completed by the 63660
Commission on African-American Males. No validation, cure, right, 63661
privilege, remedy, obligation, or liability is lost or impaired by 63662
reason of the transfer required under this section and shall be 63663
administered by the Commission on Minority Health. All rules, 63664
orders, and determinations of the Commission on African-American 63665
Males continue in effect as rules, orders, and determinations of 63666
the Commission on Minority Health, until modified or rescinded by 63667
the Commission on Minority Health. If necessary to ensure the 63668
integrity of the numbering of the Administrative Code, the 63669
Director of the Legislative Service Commission shall renumber 63670
rules of the Commission on African-American Males to reflect their 63671
transfer to the Commission on Minority Health. 63672

All employees of Commission on African-American Males cease 63673
to hold their positions of employment on the effective date of 63674
this section. 63675

The Director of Budget and Management shall determine the 63676
amount of the unexpended balances in the appropriation accounts 63677
that pertain to the Commission on African-American Males and shall 63678
recommend to the Controlling Board their transfer to the 63679
appropriation accounts that pertain to the Commission on Minority 63680
Health. The Chairperson of the Commission on African-American 63681
Males shall provide full and timely information to the Controlling 63682
Board to facilitate this transfer. 63683

Wherever the Commission on African-American Males or the 63684
Chairperson of the Commission on African-American Males is 63685
referred to in any law, contract, or other document, the reference 63686
shall be deemed to refer to the Commission on Minority Health or 63687
the Chairperson of the Commission on Minority Health, whichever is 63688
appropriate. 63689

No action or proceeding pending on the effective date of this 63690
act is affected by the transfer, and shall be prosecuted or 63691
defended in the name of the Commission on Minority Health or the 63692
Chairperson of the Commission on Minority Health. In all such 63693
actions and proceedings, the Commission on Minority Health or the 63694
Chairperson of the Commission on Minority Health, upon application 63695
to the court, shall be substituted as a party. 63696

Section 145.03. * Upon the taking effect of this section, the 63697
Hazardous Waste Facility Board is abolished. 63698

All of the rules adopted by the Hazardous Waste Facility 63699
Board are abolished on that date. The Director of the Legislative 63700
Service Commission shall remove the rules from the Administrative 63701
Code as if they had been rescinded. 63702

On and after the effective date of this section and until the 63703
Director of Environmental Protection adopts rules that eliminate 63704
references to the Hazardous Waste Facility Board, whenever the 63705
Hazardous Waste Facility Board or Board, when "Board" refers to 63706
the Hazardous Waste Facility Board, is referred to in a rule, the 63707
reference shall be deemed to refer to the Environmental Protection 63708
Agency or the Director of Environmental Protection, whichever is 63709
appropriate. As expeditiously as possible after the effective date 63710
of this section, the Director of Environmental Protection shall 63711
adopt rules eliminating references to the Hazardous Waste Facility 63712
Board. 63713

Permits or modifications issued by the Hazardous Waste Facility Board under section 3734.05 of the Revised Code as that section existed prior to its amendment by this act shall continue in effect as if the Director had issued the permits or modifications under section 3734.05 of the Revised Code after the effective date of its amendment by this act. Any application pending before the Hazardous Waste Facility Board on the effective date of this section shall be transferred to the Environmental Protection Agency for approval or disapproval by the Director. All records, files, and other documents of the Hazardous Waste Facility Board shall be transferred to the Environmental Protection Agency.

Section 145.03A. (A) There is hereby created the Ohio Autism Task Force consisting of the following members:

(1) All of the following persons to be appointed by the Governor:

(a) A person diagnosed with autism;

(b) Four persons who are parents of children diagnosed with autism;

(c) A special education administrator of an Ohio school district;

(d) A representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities;

(e) A representative of the Ohio Developmental Disabilities Council;

(f) A representative of the Autism Society of Ohio;

(g) A developmental pediatrician who is a member of the Ohio Association of Pediatricians;

(h) Two representatives from private schools in Ohio that

provide special education services to children diagnosed with	63743
autism;	63744
(i) Two representatives from Ohio hospitals that provide	63745
services to children diagnosed with autism.	63746
(2) Two members of the House of Representatives, one from the	63747
majority party and one from the minority party, appointed by the	63748
Speaker of the House of Representatives;	63749
(3) Two members of the Senate, one from the majority party	63750
and one from the minority party, appointed by the President of the	63751
Senate;	63752
(4) The Director of Mental Retardation and Developmental	63753
Disabilities or the Director's designee;	63754
(5) The Director of Job and Family Services or the Director's	63755
designee;	63756
(6) The Superintendent of Public Instruction or the	63757
Superintendent's designee.	63758
(B) All appointments and designations to the Task Force shall	63759
be made not later than thirty days after the effective date of	63760
this section. Any vacancy that occurs on the Task Force shall be	63761
filled in the same manner as the original appointment. The members	63762
of the Task Force shall serve without compensation.	63763
(C) The initial meeting of the Task Force shall be held not	63764
later than sixty days after the effective date of this section. At	63765
its initial meeting, the Task Force shall elect from its	63766
membership a chairperson and other officers it considers	63767
necessary. Thereafter, the Task Force shall meet on the call of	63768
the chairperson.	63769
(D) The Department of Mental Retardation and Developmental	63770
Disabilities shall provide meeting facilities and other support as	63771
necessary for the Task Force.	63772

(E) The Task Force shall study and make recommendations 63773
regarding both of the following: 63774

(1)The growing incidence of autism in Ohio; 63775

(2)Ways to improve the delivery in this state of autism 63776
services. 63777

(F) Not later than one year after the effective date of this 63778
section, the Task Force shall submit a written report of its 63779
recommendations to the Governor, the Speaker of the House of 63780
Representatives, and the President of the Senate. 63781

(G) On submission of its report, the Task Force shall cease 63782
to exist. 63783

Section 145.03B. (A) There is hereby created the Task Force 63784
to Eliminate Health Services Duplication. The Director of 63785
Administrative Services shall serve as chairperson. The Directors 63786
of Aging, Alcohol and Drug Addiction Services, Health, Mental 63787
Health, Mental Retardation and Developmental Disabilities, and 63788
Budget and Management, and the Executive Director of the 63789
Commission on Minority Health, or persons they designate, shall 63790
serve on the Task Force. The Commission on Dispute Resolution and 63791
Conflict Management shall provide technical and support services 63792
for the Task Force. 63793

(B) Except to the extent that service on the Task Force is 63794
part of their employment, Task Force members shall serve without 63795
compensation and shall not be reimbursed by the state for expenses 63796
incurred in carrying out their duties on the Task Force. 63797

(C) The Task Force shall do all of the following: 63798

(1) Evaluate the feasibility of combining all or parts of the 63799
Department of Aging, the Department of Alcohol and Drug Addiction 63800
Services, the Commission on Minority Health, the Department of 63801
Health, the Department of Mental Health, and the Department of 63802

Mental Retardation and Developmental Disabilities to eliminate 63803
duplication of services; 63804

(2) Evaluate the feasibility of establishing a central 63805
procurement point for basic operational services associated with 63806
each department, including human resources, training, research, 63807
legislative information, fiscal management, and public 63808
information. 63809

(D) Not later than March 31, 2004, the Task Force shall 63810
submit a report of its findings and recommendations to the Speaker 63811
and Minority Leaders of the House of Representatives and to the 63812
President and Minority Leader of the Senate. On submission of its 63813
report, the Task Force shall cease to exist. 63814

Section 145.03C. Upon the taking effect of this section, the 63815
State Board of Orthotics, Prosthetics, and Pedorthics is abolished 63816
and all of its functions, and assets and liabilities, are 63817
transferred to the State Medical Board. The State Medical Board is 63818
thereupon and thereafter successor to, assumes the obligations of, 63819
and otherwise constitutes the continuation of State Board of 63820
Orthotics, Prosthetics, and Pedorthics. 63821

Any business commenced but not completed by the State Board 63822
of Orthotics, Prosthetics, and Pedorthics or the Secretary of the 63823
Board on the effective date of this section shall be completed by 63824
the State Medical Board or the President of the State Medical 63825
Board in the same manner, and with the same effect, as if 63826
completed by the State Board of Orthotics, Prosthetics, and 63827
Pedorthics or the Secretary of the State Board of Orthotics, 63828
Prosthetics, and Pedorthics. No validation, cure, right, 63829
privilege, remedy, obligation, or liability is lost or impaired by 63830
reason of the transfer required by this section and shall be 63831
administered by the State Medical Board. All of the State Board of 63832
Orthotics, Prosthetics, and Pedorthics's rules, orders, and 63833

determinations continue in effect as rules, orders, and 63834
determinations of the State Medical Board, until modified or 63835
rescinded by the State Medical Board. If necessary to ensure the 63836
integrity of the numbering of the Administrative Code, the 63837
Director of the Legislative Service Commission shall renumber the 63838
State Board of Orthotics, Prosthetics, and Pedorthics's rules to 63839
reflect their transfer to the State Medical Board. 63840

Subject to the lay-off provisions of sections 124.321 to 63841
124.328 of the Revised Code, all of the State Board of Orthotics, 63842
Prosthetics, and Pedorthics's employees are transferred to the 63843
State Medical Board and retain their positions and all of the 63844
benefits accruing thereto. 63845

The Director of Budget and Management shall determine the 63846
amount of the unexpended balances in the appropriate accounts that 63847
pertain to the State Board of Orthotics, Prosthetics, and 63848
Pedorthics and shall recommend to the Controlling Board their 63849
transfer to the appropriation accounts that pertain to the State 63850
Medical Board. The Secretary of the State Board of Orthotics, 63851
Prosthetics, and Pedorthics shall provide full and timely 63852
information to the Controlling Board to facilitate this transfer. 63853

Wherever the State Board of Orthotics, Prosthetics, and 63854
Pedorthics or the Secretary of the State Board of Orthotics, 63855
Prosthetics, and Pedorthics is referred to in any law, contract, 63856
or other document, the reference shall be deemed to refer to the 63857
State Medical Board or President of the State Medical Board, 63858
whichever is appropriate. 63859

No action or proceeding pending on the effective date of this 63860
section is affected by the transfer, and shall be prosecuted or 63861
defended in the name of the State Medical Board or the President 63862
of the State Medical Board. In all such actions and proceedings, 63863
the State Medical Board or President of the State Medical Board 63864
upon application to the court shall be substituted as a party. 63865

Section 145.03D. * Within sixty days after the effective date 63866
of this section, the Auditor of State shall appoint an entity to 63867
serve as the Coordinator for Community Schools pursuant to section 63868
3314.18 of the Revised Code, as enacted by this act. Prior to 63869
making an appointment, the Auditor of State shall solicit 63870
applications from entities interested in serving as the 63871
Coordinator for Community Schools. 63872

Section 145.03E. On July 1, 2003, the Ohio Coal Development 63873
Office of the Department of Development is abolished and all of 63874
its functions, and assets and liabilities, are transferred to the 63875
Ohio Coal Development Office of the Ohio Air Quality Development 63876
Authority. The Ohio Coal Development Office of the Ohio Air 63877
Quality Development Authority is thereupon and thereafter 63878
successor to, assumes the obligations of, and otherwise 63879
constitutes the continuation of the Ohio Coal Development Office 63880
of the Department of Development. 63881

Any business commenced but not completed by the Ohio Coal 63882
Development Office of the Department of Development or the 63883
Director of that office on the effective date of this section 63884
shall be completed by the Ohio Coal Development Office of the Ohio 63885
Air Quality Development Authority or the Director of that office 63886
in the same manner, and with the same effect, as if completed by 63887
the Ohio Coal Development Office of the Department of Development 63888
or the Director of that office. Any validation, cure, right, 63889
privilege, remedy, obligation, or liability is not lost or 63890
impaired by reason of the transfer required by this section and 63891
shall be administered by the Ohio Coal Development Office of the 63892
Ohio air Quality Development Authority. All of the rules, orders, 63893
and determinations of the Ohio Coal Development Office of the 63894
Department of Development or of the Director of Development in 63895
relation to that office continues in effect as rules, orders, and 63896

determinations of the Ohio Coal Development Office of the Ohio Air Quality Development Authority, until modified or rescinded by that office or by the Ohio Air Quality Development Authority in relation to that office. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber rules of the Director of Development in relation to the Ohio Coal Development Office of the Department of Development to reflect their transfer to the Ohio Air Quality Development Authority.

Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the employees of the Ohio Coal Development Office of the Department of Development are transferred to the Ohio Coal Development Office of the Ohio Air Quality Development Authority and retain their positions and all the benefits accruing thereto.

Whenever the Ohio Coal Development Office in the Department of Development or the Director of Development in relation to that office is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Ohio Coal Development Office of the Ohio Air Quality Development Authority or the Authority in relation to that office, whichever is appropriate.

Any action or proceeding pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Ohio Air Quality Development Authority or its Ohio Coal Development Office. In all such actions and proceedings, the Ohio Air Quality Development Authority or its Ohio Coal Development Office upon application to the court shall be substituted as a party.

Section 145.03F. The Parole Board shall review the sentences of prisoners who are confined in state correctional institutions and who were sentenced under the Felony Sentencing Law that was in

effect prior to July 1, 1996, to determine the appropriateness of 63928
those sentences and to determine whether the length of any of 63929
those sentences should be adjusted. The Parole Board shall conduct 63930
this review in cooperation with the Department of Rehabilitation 63931
and Correction. The Parole Board shall prepare a report that 63932
contains its findings and makes recommendations regarding further 63933
action. Not later than one year after the effective date of this 63934
section, the Parole Board shall submit the report to the Speaker 63935
and Minority Leader of the House of Representatives, the President 63936
and Minority Leader of the Senate, the chair of the House Criminal 63937
Justice Committee, and the chair of the Senate Judiciary Committee 63938
on Criminal Justice. 63939

As used in this section, "state correctional institution" has 63940
the same meaning as in section 2967.01 of the Revised Code. 63941

Section 145.03G. On September 1, 2003, and subject to the 63942
lay-off provisions of sections 124.321 to 124.328 of the Revised 63943
Code, all employees of state agencies, as defined by section 63944
125.831 of the Revised Code as repealed and re-enacted by this 63945
act, who are responsible for the purchase, lease, repair, 63946
maintenance, registration, and insuring, and for all other 63947
responsibilities related to the possession and operation of, motor 63948
vehicles used by a state agency are transferred to the Department 63949
of Administrative Services and shall retain their positions and 63950
all of the benefits accruing thereto. 63951

Section 145.03H. On September 1, 2003, motor vehicles used by 63952
state agencies, as each term is defined by section 125.831 of the 63953
Revised Code as repealed and re-enacted by this act, that have 63954
been driven 1,200 business miles or less per month for the 63955
previous twelve months shall be considered excess and shall be 63956
returned by the state agency to the Department of Administrative 63957
Services for reassignment or sale. Proceeds from the sale of these 63958

motor vehicles shall be paid to the credit of the Budget 63959
Stabilization Fund. 63960

Section 146.01. Except as otherwise specifically provided in 63961
this act, the codified sections of law amended or enacted in this 63962
act, and the items of law of which the codified sections of law 63963
amended or enacted in this act are composed, are subject to the 63964
referendum. Therefore, under Ohio Constitution, Article II, 63965
Section 1c and section 1.471 of the Revised Code, the codified 63966
sections of law amended or enacted by this act, and the items of 63967
law of which the codified sections of law as amended or enacted by 63968
this act are composed, take effect on the ninety-first day after 63969
this act is filed with the Secretary of State. If, however, a 63970
referendum petition is filed against any such codified section of 63971
law as amended or enacted by this act, or against any item of law 63972
of which any such codified section of law as amended or enacted by 63973
this act is composed, the codified section of law as amended or 63974
enacted, or item of law, unless rejected at the referendum, takes 63975
effect at the earliest time permitted by law. 63976

Section 146.02. Except as otherwise specifically provided in 63977
this act, the repeal by this act of a codified section of law is 63978
subject to the referendum. Therefore, under Ohio Constitution, 63979
Article II, Section 1c and section 1.471 of the Revised Code, the 63980
repeal by this act of a codified section of law takes effect on 63981
the ninety-first day after this act is filed with the Secretary of 63982
State. If, however, a referendum petition is filed against any 63983
such repeal, the repeal, unless rejected at the referendum, takes 63984
effect at the earliest time permitted by law. 63985

Section 146.04. The repeal by this act of sections 122.12, 63986
173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 63987
173.53, 173.54, 173.55, 173.56, 173.57, 173.58, 173.59, 1553.01, 63988

1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 63989
1553.09, 1553.10, 1553.99, 3301.581, 3302.041, 3317.11, 3318.35, 63990
3318.351, 3701.142, 3701.144, 4141.044, 5115.011, 5115.012, 63991
5115.06, and 5115.061 of the Revised Code is not subject to the 63992
referendum. Therefore, under Ohio Constitution, Article II, 63993
Section 1d and section 1.471 of the Revised Code, the repeals go 63994
into immediate effect when this act becomes law. 63995

Section 146.05. The repeal by this act of sections 4725.40, 63996
4725.41, 4725.42, 4725.43, 4725.44, 4725.45, 4725.46, 4725.47, 63997
4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.531, 63998
4725.54, 4725.55, 4725.56, 4725.57, 4725.58, and 4725.59 of the 63999
Revised Code is not subject to the referendum under Ohio 64000
Constitution, Article II, Section 1d and section 1.471 of the 64001
Revised Code and goes into effect on July 31, 2003. 64002

Section 146.06. (A) Sections 117.45, 121.04, 122.658, 124.03, 64003
126.11, 127.16, 131.23, 163.06, 173.08, 307.202, 323.01, 329.03, 64004
329.04, 329.051, 340.03, 505.69, 717.01, 901.21, 1501.04, 2101.16, 64005
2151.3529, 2151.3530, 2305.234, 2329.66, 2715.041, 2715.045, 64006
2716.13, 2921.13, 3111.04, 3119.01, 3123.952, new 3301.33, 3301.33 64007
(3301.40), 3301.34, 3301.35, 3301.36, 3301.37, 3301.52, 3301.53, 64008
3301.54, 3301.55, 3301.57, 3301.58, 3311.52, 3313.647, 3313.90, 64009
3313.979, 3313.981, 3314.083, 3316.08, 3317.01, 3317.012, 64010
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3319.302, 3323.12, 3323.16, 3332.04, 3365.04, 3517.092, 3701.021, 64014
3701.022, 3701.029, 3701.141, 3701.145 (3701.0210), 3702.31, 64015
3702.63, 3702.68, 3702.74, 3705.24, 3709.09, 3711.021, 3721.02, 64016
3721.19, 3733.43, 3733.45, 3734.28, 3734.57, 3745.40, 3748.07, 64017
3748.13, 3773.43, 3781.19, 4104.01, 4104.02, 4104.04, 4104.06, 64018
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4112.15, 4117.10, 4117.14, 4123.27, 4141.09, 4511.75, 4723.06, 64020
4723.08, 4723.082, 4731.65, 4731.71, 4736.12, 4747.05, 4747.06, 64021
4747.07, 4747.10, 4771.22, 4903.24, 4905.91, 4919.79, 4981.01 64022
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(5507.22), 4981.23 (5507.23), 4981.25 (5507.25), 4981.26 64031
(5507.26), 4981.28 (5507.28), 4981.29 (5507.29), 4981.30 64032
(5507.30), 4981.31 (5507.31), 4981.32 (5507.32), 4981.33 64033
(5507.33), 4981.34 (5507.34), 4981.35 (5507.35), 4981.36 64034
(5507.36), 4981.361 (5507.361), 5101.11, 5101.14, 5101.141, 64035
5101.142, 5101.144, 5101.145, 5101.146, 5101.1410, 5101.16, 64036
5101.18, 5101.181, 5101.214, 5101.36, 5101.58, 5101.59, 5101.75, 64037
5101.80, 5103.155, 5104.01, 5104.02, 5104.04, 5104.30, 5104.32, 64038
5107.02, 5107.30, 5107.40, 5107.60, 5111.0113, 5111.02, 5111.025, 64039
5111.03, 5111.06, 5111.08 (5111.071), new 5111.16, 5111.16 64040
(5111.08), 5111.17, 5111.171, 5111.172, 5111.174, 5111.175, 64041
5111.20, 5111.206, 5111.21, 5111.211, 5111.22, 5111.222, 5111.25, 64042
5111.252 (5123.199), 5111.28, 5111.29, 5111.30, 5111.31, 5111.65, 64043
5111.66, 5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 64044
5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 64045
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5111.688, 5111.689, 5111.6810, 5111.85, 5111.87, 5111.871, 64047
5111.872, 5111.873, 5111.911, 5111.912, 5111.913, 5111.98, 64048
5111.981, 5111.982, 5112.03, 5112.08, 5112.17, 5115.01, 5115.02 64049
(5115.04), 5115.03, 5115.04 (5115.02), 5115.05, 5115.07 (5115.06), 64050
5115.10, 5115.11, 5115.12, new 5115.13, 5115.13 (5115.07), 64051
5115.14, 5115.15 (5115.23), 5115.20, 5115.22, 5119.61, 5123.01, 64052

5123.19, 5123.196, 5123.197, 5123.198, 5123.1910, 5123.38, 64053
5126.01, 5126.042, 5126.12, 5153.78, 5501.03, 5502.13, 5519.01, 64054
5705.19, 5709.64, 5735.05, 5735.053, 5735.23, 5735.26, 5735.291, 64055
5735.30, and 6109.21 of the Revised Code as amended or enacted by 64056
this act, and the items of law of which such sections as amended 64057
or enacted by this act are composed, are not subject to the 64058
referendum. Therefore, under Ohio Constitution, Article II, 64059
Section 1d and section 1.471 of the Revised Code, such sections as 64060
amended or enacted by this act, and the items of law of which such 64061
sections as amended or enacted by this act are composed, go into 64062
immediate effect when this act becomes law. 64063

(B) The amendment of sections 4725.01, 4725.02, 4725.03, 64064
4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.10, 64065
4725.11, 4725.12, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 64066
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 64067
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 64068
4725.99, 4734.99, and 5903.12 of the Revised Code is not subject 64069
to the referendum under Ohio Constitution, Article II, Section 1d 64070
and section 1.471 of the Revised Code and goes into effect on July 64071
31, 2003. 64072

(C) Sections 3301.31, 5111.173, 5111.221, 5111.24, 5111.241, 64073
5111.251, 5111.255, 5111.257, 5111.261, 5111.262, and 5111.264 of 64074
the Revised Code as repealed and reenacted by this act, and the 64075
items of law of which they are composed, are not subject to the 64076
referendum. Therefore, under Ohio Constitution, Article II, 64077
Section 1d and section 1.471 of the Revised Code, such sections as 64078
repealed and reenacted by this act go into immediate effect when 64079
this act becomes law. 64080

Section 146.06A. (A) Except as otherwise provided by this 64081
act, the amendments to section 125.22 of the Revised Code are not 64082
subject to the referendum under Ohio Constitution, Article II, 64083

Section 1d and section 1.471 of the Revised Code and go into 64084
effect on July 31, 2003. 64085

(B) The amendment by this act to section 125.22 of the 64086
Revised Code that removes the Ohio Commission on African-American 64087
Males from the list of boards and commissions for which the 64088
Central Service Agency of the Department of Administrative 64089
Services performs routine support is subject to the referendum. 64090
Therefore, under Ohio Constitution, Article II, Section 1c and 64091
section 1.471 of the Revised Code, the amendment takes effect on 64092
the ninety-first day after this act is filed with the Secretary of 64093
State. If, however, a referendum petition is filed against the 64094
amendment, or against any item of law it contains, the amendment 64095
or item, unless rejected at the referendum, takes effect at the 64096
earliest time permitted by law. 64097

Section 146.08. The version of section 3332.04 of the Revised 64098
Code that is scheduled to take effect July 1, 2003, as amended by 64099
this act, and the items of law of which that section as amended is 64100
composed, are not subject to the referendum. Therefore, under Ohio 64101
Constitution, Article II, Section 1d and section 1.471 of the 64102
Revised Code, the section as amended by this act, and the items of 64103
law of which that section as amended is composed, go into 64104
immediate effect on July 1, 2003. 64105

Section 146.09. (A) Except as otherwise provided in division 64106
(B) of this section, the amendments by this act to section 3745.11 64107
of the Revised Code are not subject to the referendum. Therefore, 64108
under Ohio Constitution, Article II, Section 1d and section 1.471 64109
of the Revised Code, the amendments, and the items of law they 64110
contain, go into immediate effect when this act becomes law. 64111

(B) The seventh and last paragraph added to division (S)(1) 64112
of section 3745.11 of the Revised Code by this act is subject to 64113

the referendum. Therefore, under Ohio Constitution, Article II, 64114
Section 1c and section 1.471 of the Revised Code, the paragraph 64115
takes effect on the ninety-first day after this act is filed with 64116
the Secretary of State. If, however, a referendum petition is 64117
filed against the paragraph, or against any item of law it 64118
contains, the paragraph or item, unless rejected at the 64119
referendum, takes effect at the earliest time permitted by law. 64120

Section 146.10. The version of section 4511.75 of the Revised 64121
Code that is scheduled to take effect January 1, 2004, as amended 64122
by this act, and the items of law of which that section as amended 64123
is composed, are not subject to the referendum. Therefore, under 64124
Ohio Constitution, Article II, Section 1d and section 1.471 of the 64125
Revised Code, the section as amended by this act, and the items of 64126
law of which that section as amended is composed, go into 64127
immediate effect on January 1, 2004. 64128

Section 146.11. (A) Except as otherwise provided in division 64129
(B) of this section, the amendments by this act to section 4743.05 64130
of the Revised Code are subject to the referendum. Therefore, 64131
under Ohio Constitution, Article II, Section 1c and section 1.471 64132
of the Revised Code, the amendments take effect on the 64133
ninety-first day after this act is filed with the Secretary of 64134
State. If, however, a referendum petition is filed against the 64135
amendments, or against any item of law they contain, the 64136
amendments or item, unless rejected at the referendum, takes 64137
effect at the earliest time permitted by law. 64138

(B) The amendment by this act adding a reference to "4771." 64139
to section 4743.05 of the Revised Code is not subject to the 64140
referendum. Therefore, under Ohio Constitution, Article II, 64141
Section 1d and section 1.471 of the Revised Code, the amendment 64142
goes into immediate effect when this act becomes law. 64143

Section 146.12. (A) Except as otherwise provided in division 64144
(B) of this section, the amendments by this act to section 64145
5111.022 of the Revised Code are not subject to the referendum. 64146
Therefore, under Ohio Constitution, Article II, Section 1d and 64147
section 1.471 of the Revised Code, the amendments, and the items 64148
of law they contain, go into immediate effect when this act 64149
becomes law. 64150

(B) The amendments by this act adding divisions (B)(4), (E), 64151
and (F) to section 5111.022 of the Revised Code are subject to the 64152
referendum. Therefore, under Ohio Constitution, Article II, 64153
Section 1c and section 1.471 of the Revised Code, the amendments 64154
take effect on the ninety-first day after this act is filed with 64155
the Secretary of State. If, however, a referendum petition is 64156
filed against the amendments, or against any item of law they 64157
contain, the amendments or item, unless rejected at the 64158
referendum, takes effect at the earliest time permitted by law. 64159

Section 146.14. Section 5112.31 of the Revised Code, as 64160
amended by this act, and the items of law of which that section as 64161
amended is composed, are not subject to the referendum. Therefore, 64162
under Ohio Constitution, Article II, Section 1d and section 1.471 64163
of the Revised Code, that section as amended by this act, and the 64164
items of law of which that section as amended is composed, are 64165
entitled to go into immediate effect when this act becomes law. 64166
However, that section as amended by this act, and the items of law 64167
which that section as amended by this act are composed, take 64168
effect on July 1, 2003, or the day this act becomes law, whichever 64169
is later. 64170

Section 146.15. (A) Except as otherwise provided in division 64171
(B) of this section, the amendments by this act to section 4981.20 64172
(5507.20) of the Revised Code are not subject to the referendum. 64173

Therefore, under Ohio Constitution, Article II, Section 1d and 64174
section 1.471 of the Revised Code, the amendments, and the items 64175
of law they contain, go into immediate effect when this act 64176
becomes law. 64177

(B) The amendment by this act to the second and last sentence 64178
of the second paragraph of division (A) of section 4981.20 64179
(5507.20) of the Revised Code provides for or is essential to 64180
implementation of a tax levy. Therefore, under Ohio Constitution, 64181
Article II, Section 1d, the amendment is not subject to the 64182
referendum and goes into immediate effect when this act becomes 64183
law. 64184

Section 146.15A. * Sections 125.831, 125.832, 125.833, and 64185
125.834 of the Revised Code, as enacted or repealed and re-enacted 64186
by this act, shall take effect September 1, 2003. 64187

Section 146.16. * Section 102.02 of the Revised Code, as 64188
amended by this act, shall take effect January 1, 2004. 64189

Section 146.17. * Sections 125.05, 183.28, 3301.80, 3301.801, 64190
3314.074, 3317.06, 3317.50, 3317.51, 3319.22, and 3319.235 of the 64191
Revised Code, as amended by this act, take effect July 1, 2004. 64192

Section 146.18. * Section 4759.08 of the Revised Code, as 64193
amended by this act, shall take effect July 1, 2004. 64194

Section 146.19. * Sections 5103.031, 5103.033, 5103.034, 64195
5103.036, 5103.037, 5103.038, 5103.0312, 5103.0313, 5103.0314, 64196
5103.0315, 5103.0316, 5153.60, 5153.69, and 5153.72 of the Revised 64197
Code, as amended by this act, shall take effect on January 1, 64198
2004. 64199

Section 146.20. * Sections 5103.154 and 5153.163 of the 64200

Revised Code as amended by this act take effect July 1, 2004. 64201

Section 146.21. * Section 5112.31 of the Revised Code, as 64202
amended by this act, shall take effect July 1, 2003. 64203

Section 146.22. Except as otherwise specifically provided in 64204
this act, the uncodified sections of law amended or enacted in 64205
this act, and the items of law of which the uncodified sections of 64206
law amended or enacted in this act are composed, are not subject 64207
to the referendum. Therefore, under Ohio Constitution, Article II, 64208
Section 1d and section 1.471 of the Revised Code, the uncodified 64209
sections of law amended or enacted in this act, and the items of 64210
law of which the uncodified sections of law amended or enacted in 64211
this act are composed, go into immediate effect when this act 64212
becomes law. 64213

Section 146.23. Uncodified sections of law amended or enacted 64214
in this act, and items of law contained within the uncodified 64215
sections of law amended or enacted in this act, that are marked 64216
with an asterisk are subject to the referendum. Therefore, under 64217
Ohio Constitution, Article II, Section 1c and section 1.471 of the 64218
Revised Code, the uncodified sections and items of law marked with 64219
an asterisk take effect on the ninety-first day after this act is 64220
filed with the Secretary of State. If, however, a referendum 64221
petition is filed against an uncodified section or item of law 64222
marked with an asterisk, the uncodified section or item of law 64223
marked with an asterisk, unless rejected at the referendum, takes 64224
effect at the earliest time permitted by law. 64225

If the amending and existing repeal clauses commanding the 64226
amendment of an uncodified section of law are both marked with 64227
asterisks, the uncodified section as amended is deemed also to 64228
have been marked with an asterisk. 64229

An asterisk marking an uncodified section or item of law has 64230

the form *. 64231

This section defines the meaning and form of, but is not 64232
itself to be considered marked with, an asterisk. 64233

Section 146.24. (A) Except as otherwise provided in division 64234
(B) of this section, the amendments by this act to Section 27 of 64235
Sub. H.B. 670 of the 121st General Assembly are not subject to the 64236
referendum. Therefore, under Ohio Constitution, Article II, 64237
Section 1d and section 1.471 of the Revised Code, the amendments 64238
go into immediate effect when this act becomes law. 64239

(B) The amendments by this act removing references to the 64240
Hazardous Waste Facility Board and to the Reclamation Commission 64241
from Section 27 of Sub. H.B. 670 of the 121st General Assembly are 64242
subject to the referendum. Therefore, under Ohio Constitution, 64243
Article II, Section 1c and section 1.471 of the Revised Code, the 64244
amendments take effect on the ninety-first day after this act is 64245
filed with the Secretary of State. If, however, a referendum 64246
petition is filed against the amendments, or against any item of 64247
law they contain, the amendments or item, unless rejected at the 64248
referendum, takes effect at the earliest time permitted by law. 64249

Section 146.25. The repeal by this act of the following 64250
uncodified sections of law is not subject to the referendum and 64251
therefore, under Ohio Constitution, Article II, Section 1d and 64252
section 1.471 of the Revised Code, goes into immediate effect when 64253
this act becomes law: 64254

(A) Section 11 of Am. Sub. S.B. 50 of the 121st General 64255
Assembly; 64256

(B) Section 129 of Am. Sub. H.B. 283 of the 123rd General 64257
Assembly; 64258

(C) Section 63.37 of Am. Sub. H.B. 94 of the 124th General 64259
Assembly. 64260

Section 146.26. 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 147.01. * The amendment of section 122.25 of the Revised Code by this act is not intended to supersede the earlier repeal, with delayed effective date, of that section.

Section 147.02. * Section 921.151 was amended and renumbered as section 921.22 of the Revised Code by Am. Sub. S.B. 217 of the 124th General Assembly, passed November 21, 2002, and effective July 1, 2004. The amendment of section 921.151 of the Revised Code in Section 1 of this act does not supersede that earlier amendment and renumbering. This act therefore amends both sections to ensure that its amendments continue on and after July 1, 2004.

Section 147.03. The amendment by this act of sections 5112.03 and 5112.08 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of those sections.

Section 147.04. The amendment by this act of section 5112.99 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

Section 148.01. * Section 109.572 of the Revised Code is 64289
presented in this act as a composite of the section as amended by 64290
both Sub. H.B. 448 and Sub. H.B. 538 of the 123rd General 64291
Assembly. The General Assembly, applying the principle stated in 64292
division (B) of section 1.52 of the Revised Code that amendments 64293
are to be harmonized if reasonably capable of simultaneous 64294
operation, finds that the composite is the resulting version of 64295
the section in effect prior to the effective date of the section 64296
as presented in this act. 64297

Section 148.03. Section 121.04 of the Revised Code is 64298
presented in this act as a composite of the section as amended by 64299
both Sub. H.B. 601 and Am. Sub. H.B. 640 of the 123rd General 64300
Assembly. The General Assembly, applying the principle stated in 64301
division (B) of section 1.52 of the Revised Code that amendments 64302
are to be harmonized if reasonably capable of simultaneous 64303
operation, finds that the composite is the resulting version of 64304
the section in effect prior to the effective date of the section 64305
as presented in this act. 64306

Section 148.03A. Section 125.22 of the Revised Code is 64307
presented in this act as a composite of the section as amended by 64308
both Am. Sub. H.B. 374 and Am. Sub. H.B. 496 of the 124th General 64309
Assembly. The General Assembly, applying the principle stated in 64310
division (B) of section 1.52 of the Revised Code that amendments 64311
are to be harmonized if reasonably capable of simultaneous 64312
operation, finds that the composite is the resulting version of 64313
the section in effect prior to the effective date of the section 64314
as presented in this act. 64315

Section 148.03B. * The version of section 2305.234 of the 64316
Revised Code that is scheduled to take effect January 1, 2004, is 64317

presented in this act as a composite of the section as amended by 64318
both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th General 64319
Assembly. The General Assembly, applying the principle stated in 64320
division (B) of section 1.52 of the Revised Code that amendments 64321
are to be harmonized if reasonably capable of simultaneous 64322
operation, finds that the composite is the resulting version of 64323
the section in effect prior to the effective date of the section 64324
as presented in this act. 64325

Section 148.03C. Section 2743.02 of the Revised Code is 64326
presented in this act as a composite of the section as amended by 64327
both Am. Sub. S.B. 115 and Am. Sub. S.B. 281 of the 124th General 64328
Assembly. The General Assembly, applying the principle stated in 64329
division (B) of section 1.52 of the Revised Code that amendments 64330
are to be harmonized if reasonably capable of simultaneous 64331
operation, finds that the composite is the resulting version of 64332
the section in effect prior to the effective date of the section 64333
as presented in this act. 64334

Section 148.03D. Section 3314.03 of the Revised Code is 64335
presented in this act as a composite of the section as amended by 64336
both Sub. H.B. 248 and Sub. H.B. 364 of the 124th General 64337
Assembly. The General Assembly, applying the principle stated in 64338
division (B) of section 1.52 of the Revised Code that amendments 64339
are to be harmonized if reasonably capable of simultaneous 64340
operation, finds that the composite is the resulting version of 64341
the section in effect prior to the effective date of the section 64342
as presented in this act. 64343

Section 148.05. Section 3317.012 of the Revised Code is 64344
presented in this act as a composite of the section as amended by 64345
both Am. Sub. H.B. 94 and Am. Sub. S.B. 1 of the 124th General 64346
Assembly. The General Assembly, applying the principle stated in 64347

division (B) of section 1.52 of the Revised Code that amendments 64348
are to be harmonized if reasonably capable of simultaneous 64349
operation, finds that the composite is the resulting version of 64350
the section in effect prior to the effective date of the section 64351
as presented in this act. 64352

Section 148.05A. Section 3319.07 of the Revised Code is 64353
presented in this act as a composite of the section as amended by 64354
both Am. Sub. H.B. 117 and Am. Sub. H.B. 223 of the 121st General 64355
Assembly. The General Assembly, applying the principle stated in 64356
division (B) of section 1.52 of the Revised Code that amendments 64357
are to be harmonized if reasonably capable of simultaneous 64358
operation, finds that the composite is the resulting version of 64359
the section in effect prior to the effective date of the section 64360
as presented in this act. 64361

Section 148.05B. Section 3319.36 of the Revised Code is 64362
presented in this act as a composite of the section as amended by 64363
both Sub. H.B. 81 and Am. Sub. S.B. 230 of the 121st General 64364
Assembly. The General Assembly, applying the principle stated in 64365
division (B) of section 1.52 of the Revised Code that amendments 64366
are to be harmonized if reasonably capable of simultaneous 64367
operation, finds that the composite is the resulting version of 64368
the section in effect prior to the effective date of the section 64369
as presented in this act. 64370

Section 148.06. * Section 4303.181 of the Revised Code is 64371
presented in this act as a composite of the section as amended by 64372
both Sub. H.B. 330 and Sub. H.B. 371 of the 124th General 64373
Assembly. The General Assembly, applying the principle stated in 64374
division (B) of section 1.52 of the Revised Code that amendments 64375
are to be harmonized if reasonably capable of simultaneous 64376
operation, finds that the composite is the resulting version of 64377

the section in effect prior to the effective date of the section 64378
as presented in this act. 64379

Section 148.06A. Section 4725.114 (4725.33) of the Revised 64380
Code is presented in this act as a composite of the section as 64381
amended by both Am. Sub. H.B. 553 and Sub. H.B. 698 of the 122nd 64382
General Assembly. The General Assembly, applying the principle 64383
stated in division (B) of section 1.52 of the Revised Code that 64384
amendments are to be harmonized if reasonably capable of 64385
simultaneous operation, finds that the composite is the resulting 64386
version of the section in effect prior to the effective date of 64387
the section as presented in this act. 64388

Section 148.06B. * Section 4503.234 of the Revised Code is 64389
presented in Section 1 of this act as a composite of the section 64390
as amended by both Am. Sub. H.B. 353 and Am. Sub. H.B. 676 of the 64391
121st General Assembly. The General Assembly, applying the 64392
principle stated in division (B) of section 1.52 of the Revised 64393
Code that amendments are to be harmonized if reasonably capable of 64394
simultaneous operation, finds that the composite is the resulting 64395
version of the section in effect prior to the effective date of 64396
the section as presented in this act. 64397

Section 148.07. * Section 4973.17 of the Revised Code is 64398
presented in this act as a composite of the section as amended by 64399
both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 64400
Assembly. The General Assembly, applying the principle stated in 64401
division (B) of section 1.52 of the Revised Code that amendments 64402
are to be harmonized if reasonably capable of simultaneous 64403
operation, finds that the composite is the resulting version of 64404
the section in effect prior to the effective date of the section 64405
as presented in this act. 64406

Section 148.08. Section 5111.20 of the Revised Code is 64407
presented in this act as a composite of the section as amended by 64408
both Sub. H.B. 403 and Sub. H.B. 448 of the 123rd General 64409
Assembly. The General Assembly, applying the principle stated in 64410
division (B) of section 1.52 of the Revised Code that amendments 64411
are to be harmonized if reasonably capable of simultaneous 64412
operation, finds that the composite is the resulting version of 64413
the section in effect prior to the effective date of the section 64414
as presented in this act. 64415

Section 148.09. Section 5115.01 of the Revised Code is 64416
presented in this act as a composite of the section as amended by 64417
both Am. Sub. H.B. 283 and H.B. 471 of the 123rd General Assembly. 64418
The General Assembly, applying the principle stated in division 64419
(B) of section 1.52 of the Revised Code that amendments are to be 64420
harmonized if reasonably capable of simultaneous operation, finds 64421
that the composite is the resulting version of the section in 64422
effect prior to the effective date of the section as presented in 64423
this act. 64424

Section 148.10. * Section 5709.62 of the Revised Code is 64425
presented in this act as a composite of the section as amended by 64426
both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 64427
Assembly. The General Assembly, applying the principle stated in 64428
division (B) of section 1.52 of the Revised Code that amendments 64429
are to be harmonized if reasonably capable of simultaneous 64430
operation, finds that the composite is the resulting version of 64431
the section in effect prior to the effective date of the section 64432
as presented in this act. 64433

Section 148.11. * Section 5709.63 of the Revised Code is 64434
presented in this act as a composite of the section as amended by 64435

both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 64436
Assembly. The General Assembly, applying the principle stated in 64437
division (B) of section 1.52 of the Revised Code that amendments 64438
are to be harmonized if reasonably capable of simultaneous 64439
operation, finds that the composite is the resulting version of 64440
the section in effect prior to the effective date of the section 64441
as presented in this act. 64442

Section 148.13. Section 5735.05 of the Revised Code is 64443
presented in this act as a composite of the section as amended by 64444
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 64445
The General Assembly, applying the principle stated in division 64446
(B) of section 1.52 of the Revised Code that amendments are to be 64447
harmonized if reasonably capable of simultaneous operation, finds 64448
that the composite is the resulting version of the section in 64449
effect prior to the effective date of the section as presented in 64450
this act. 64451

Section 148.14. Section 5735.23 of the Revised Code is 64452
presented in this act as a composite of the section as amended by 64453
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 64454
The General Assembly, applying the principle stated in division 64455
(B) of section 1.52 of the Revised Code that amendments are to be 64456
harmonized if reasonably capable of simultaneous operation, finds 64457
that the composite is the resulting version of the section in 64458
effect prior to the effective date of the section as presented in 64459
this act. 64460

Section 149. If any item of law that constitutes the whole or 64461
part of a codified or uncodified section of law contained in this 64462
act, or if any application of any item of law that constitutes the 64463
whole or part of a codified or uncodified section of law contained 64464
in this act, is held invalid, the invalidity does not affect other 64465
items of law or applications of items of law that can be given 64466

effect without the invalid item of law or application. To this	64467
end, the items of law of which the codified and uncodified	64468
sections contained in this act are composed, and their	64469
applications, are independent and severable.	64470